

THE MADRAS LEGISLATIVE COUNCIL

Thursday, the 12th February 1959.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Superannuated Government Officials

* 26 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Chief Minister be pleased to state—

(*a*) the number of superannuated Government officials reappointed in each department during 1957–58; and

(*b*) the principles governing such reappointment?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister): (*a*) & (*b*) A statement [a] is placed on the table of the House.

SRI T. PURUSHOTHAM: Is it not the general rule that such reappointments are restricted only to technical posts such as Medical Officers, Engineers, etc.?

THE HON. SRI R. VENKATARAMAN: Yes, Sir, that is true. In fact, we have a few principles governing reappointment of superannuated Government officers. Firstly, there should be a dearth of qualified and suitable hands in the department for appointment to the post. Secondly, the retiring officer's work and conduct should have been satisfactory enough to deserve re-employment. Thirdly, they should be physically and mentally fit. Then, they must have special qualifications, training or experience which can be of particular use to the department.

SRI T. PURUSHOTHAM: What is the maximum age-limit up to which the Government officials may be reappointed even after 55 whether it is 58 or 60 beyond which they will not be continued?

THE HON. SRI R. VENKATARAMAN: No particular age-limit has been fixed. But, generally, this reappointment is made for a year at a time and it is reviewed periodically.

SRI T. PURUSHOTHAM: Will the Government enforce the rule that under any circumstances, such reappointment will not be made beyond the age of 60 in the interests of promotion and recruitment of younger men?

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[a] Printed as Appendix on pages 302-303 infra.

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THE HON. SRI R. VENKATARAMAN : That may perhaps lead to depriving ourselves of the services of those who are available.

Sri T. Purushotham and Sri Mohamed Raza Khan rose.

MR. CHAIRMAN : Mr. Raza Khan, the hon. Member Sri Purushotham put the original question.

SRI MOHAMED RAZA KHAN : Yes, Sir. But, he should have some rest. He should have become tired by putting supplementaries continuously.

SRI T. PURUSHOTHAM : With reference to the answer of the Hon. Minister to clause (*b*), will the Government consider the question of laying down a general principle that such a reappointment will not be ordered if it would adversely affect qualified hands and probationers awaiting promotion?

THE HON. SRI R. VENKATARAMAN : This is begging the question. If really qualified hands are available, we will not certainly appoint superannuated officers.

SRI A. M. ALLAPICHAI : What about the persons who are immediately subordinate to such officers?

THE HON. SRI R. VENKATARAMAN : Sir, if the Government thought that the person immediately subordinate to the officer reappointed was good enough to hold the position, certainly, the other officer would not be given reappointment. But, it is only because there is dearth of qualified expert hands, that we have to reappoint these people.

SRI MOHAMED RAZA KHAN : Will the Government agree with me that every person who retires feels that he is indispensable and works his way through somehow or other to see that he is reappointed and that sometimes some of them are fortunate to get back the posts which they held at the time of retirement?

THE HON. SRI R. VENKATARAMAN : If the person considers himself indispensable, it is pardonable conceit. It is for the Government to feel that his services are necessary and only when the Government feel that the services of that officer are necessary, he is reappointed after superannuation.

SRI MOHAMED RAZA KHAN : From the paper placed on the table of the House, we find that the Industries Department is leading, in having reappointed as many as 43 superannuated officers. May I know the reasons for appointing such a large number of them? Were they technical posts?

THE HON. SRI R. VENKATARAMAN : It is all on the technical side. The great expansion of the Industries Department probably explains the reappointment of a large number of superannuated officers.

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SRI T. PURUSHOTHAM : Arising out of the answers of the Hon. Minister, may I know whether such reappointments will not add to the unemployment problem and, if so, will the Government consider the revision of their re-employment policy and the principles and rules governing the same in that light?

THE HON. SRI R. VENKATARAMAN : Considering the large volume of unemployment, the reappointment of a small number of very highly qualified and skilled officers is not going to make any very great difference. I hope the hon. Member will appreciate that this is necessitated by the dearth of qualified technical personnel.

DR. A. CHIDAMBARANATHAN : Is there any proposal to consider the question of re-employment of superannuated officers alongside the other question, viz., raising the age-limit of retirement to 60?

THE HON. SRI R. VENKATARAMAN : There is no such proposal before the Government.

DR. A. SREENIVASAN : My point is this. Is such medical examination of these superannuated people before they are re-employed?

THE HON. SRI R. VENKATARAMAN : My Colleague reminds me that there is medical examination. We trust doctors.

DR. A. SREENNIVASAN : My point is this. Is such medical examination conditional before such officers are reappointed? That is what I want to know.

THE HON. SRI R. VENKATARAMAN : Yes, it is so.

SRI G. KRISHNAMOORTHY : May I take it, Sir, that they are given the salary last drawn by them?

THE HON. SRI R. VENKATARAMAN : It is not treated as extension of service, but is treated as re-employment and they are generally appointed on the pay last drawn.

SRI A. M. ALLAPICHAI : Is it not a reflection on these officers who have failed to take steps to train the officers under them?

THE HON. SRI R. VENKATARAMAN : It is not a reflection. There is a growing demand for technical personnel and we are not able to get all of them. We are not able to get new hands for all these posts. Therefore, it is necessary to re-employ some of them.

DR. A. SREENIVASAN : Is it not a fact that a good number of officers belonging to the Administrative Services have also been reappointed? It is not a technical qualification.

THE HON. SRI R. VENKATARAMAN : Well, their services were specially required for certain particular departments.

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Admission of students to the Higher Technological Institute, Guindy.

* 27 *Q.*—SRI V. V. RAMASWAMI : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether any quota has been fixed for admission of students of this State to the Higher Technological Institute to be established at Guindy; and

(*b*) if so, the details thereof?

THE HON. SRI C. SUBRAMANIAM : (*a*) & (*b*) This Government have no information.

Higher Technological Institute, Guindy

* 28 *Q.*—SRI V. V. RAMASWAMI : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether it is a fact that the West German Government have agreed to provide facilities for the training of 20 Indian teachers in German Institutions in connection with the establishment of the Higher Technological Institute at Guindy; and

(*b*) if so, whether any quota has been fixed for the students of this State?

THE HON. SRI C. SUBRAMANIAM : (*a*) & (*b*) This Government have no information.

SRI V. V. RAMASWAMI : உயர்தரத் தொழிற் கல்வி நிலையம் ஆரம்பிக்கப் போவதாகச் சொன்னார்கள். அது எப்போது ஆரம்பிக்கப்படும் ?

THE HON. SRI C. SUBRAMANIAM : 1959—60-ல் ஆரம்பமாகவிருக்கிறது.

SRI V. V. RAMASWAMI : அதற்காக வேண்டி கட்டிடம் கட்டப்படுகிறதா ? அல்லது இருக்கிற கட்டிடத்தில் ஆரம்பித்துவிட்டார்களா?

THE HON. SRI C. SUBRAMANIAM : கட்டிடம் கட்டப் போகிறார்கள். ஆனால், அது முடியும் வரையில், ஒன்றிரண்டு வருஷங்களுக்கு அழகப்பா டெக்னாலஜி காலேஜ் கட்டிடம், ஹைவேஸ் கட்டிடம்? இவற்றில் நடத்தப் போகிறார்கள்.

SRI V. V. RAMASWAMI : இது சம்பந்தமாக ஜெர்மன் நாட்டிலேயே 20 ஆசிரியர்களுக்குப் பயிற்சி கொடுப்பதற்கு அவர்கள் முன் வந்திருப்பதாக அறிகிறேன். அது சம்பந்தமாக ஏதாவது தகவல் உண்டா? நமது மாநிலத்திலிருந்து யாராவது விண்ணப்பித்திருக்கிறார்களா ?

THE HON. SRI C. SUBRAMANIAM : இங்கிருப்பவர்களும் விண்ணப்பித்துக்கொள்வார்கள். அதிலிருந்து பொறுக்கி எடுத்து அனுப்புவார்கள்.

SRI MOHAMED RAZA KHAN : Am I to understand that the Government of Madras have no hand as far as the selection of candidates and appointments in this College are concerned? Secondly, may I know whether any special quota is reserved for each State?

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THE HON. SRI C. SUBRAMANIAM : No, Sir. This is a Central Institute and our Government will not have a say in the matter of admission. It is a Regional Institute and each region will have its own quota.

SRI G. KRISHNAMOORTHY : Can the Hon. Minister give the information as to the total number of students that will be trained on an all-India basis at least in the first year?

THE HON. SRI C. SUBRAMANIAM : It is not done on an all-India basis. It is done on a regional basis. It is the Southern Regional Institute and it is expected that they would start with 100 students next year.

Preparation of indigenous medicines

* 29 *Q.*—SRI A. GAJAPATHY NAYAGAR : Will the Hon. the Minister for Revenue be pleased to state the sources from which the ingredients used in the preparation of indigenous medicines at the College of Integrated Medicine, Madras, are obtained?

THE HON. SRI M. A. MANICKAVELU : The ingredients are obtained from the contractors by inviting tenders. Some of the green herbs, leaves, etc., that are grown in the Medicinal Farm at Arumbakkam, are supplied by the Farm.

SRI A. GAJAPATHY NAYAGAR : இதுபற்றி மற்றப் பகுதிகளில் தேவையாக இருந்தால், அவற்றை எப்படி அரசியலார் வாங்குகிருர்கள் ?

THE HON. SRI M. A. MANICKAVELU : நான் முன்பே சொன்னேன். கண்டிராக்டர்களிடமிருந்து டெண்டர் வரவழைத்து வாங்கப் படுகிறது. இதற்கு முன் ஒரு கேள்வி கேட்டார். பிரிண்டெட் லிஸ்டில் சுமார் 44 பேர் ரெகக்னைஸ்டு கண்டிராக்டர்கள் இருக்கிருர்கள்.

Pre-Professional Courses

* 30 *Q.*—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether there is any proposal before the Government to award merit scholarships to students on the basis of a competitive test or otherwise in the pre-professional courses; and

(*b*) if so, what it is?

THE HON. SRI C. SUBRAMANIAM : (*a*) No, Sir.

(*b*) Does not arise.

SRI G. KRISHNAMOORTHY : May I know, Sir, whether such a scheme was in force in professional colleges prior to the starting of these pre-professional courses?

THE HON. SRI C. SUBRAMANIAM : The question relates to pre-professional courses. We do not have any such thing even in respect of professional courses and there was no competitive test. As a matter of fact, the performance of each year was taken into consideration and the scholarship was given.

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SRI G. KRISHNAMOORTHY : Will the Government consider the question of granting merit scholarships in respect of these pre-professional courses?

THE HON. SRI C. SUBRAMANIAM : I do not think it will be necessary.

MR. CHAIRMAN : Questions are over.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—CALLING ATTENTION TO THE DECISION OF THE STATE AIDED SCHOOL MANAGERS TO CLOSE DOWN CERTAIN SCHOOLS.

* SRI T. PURUSHOTHAM : Mr. Chairman, under rule 41 (1) of the Legislative Council Rules, I invite the attention of the Hon. the Minister for Finance to matter of urgent public importance, viz., the situation arising out of the recent orders of Government with regard to grant-in-aid to aided elementary schools and the decision of the State Aided School Managers to close down certain schools and to give notice to the teachers terminating their services consequent on the new 'free education policy' of the Government. Sir, reference was made by hon. Members to this subject in the recent debate on the Governor's Address. 3–10 a.m. The latest development is that actually notices have been issued by the Correspondents to almost all the aided elementary school teachers stating specifically that "the Managements terminate their services with effect from 1st June 1959 and that they will be relieved on 31st May 1959." The plight of the teachers needs immediate attention at the hands of the Government. If their services are thus terminated and even though they get re-employed, they will be faced with reduction in their emoluments and unfortunate position affecting their pension, etc. This should be guarded against. The Correspondents of the aided elementary schools who have decided to levy fees have raised the rates of school fees abnormally for all standards and the parents of the children are affected thereby. Even these managements who have proposed to levy higher rates of tuition fees have given notice of termination of the services of the existing teachers. The attention of the Hon. the Minister for Education is, therefore, invited to this situation so that the Government may take prompt steps to relieve the distress of the teachers as well as the parents as a result of the latest orders of the Government. Perhaps, a conference with the representatives of the State Aided School Managements' Association would solve the tangle, because I feel the issues were forced on them too abruptly and they may be given time to adjust themselves to the changed policy of the Government. Anyway, prompt measures should be taken in the matter and I am sure the Hon. the Minister for Education would take necessary action and take the Legislature into confidence and tell us the specific steps proposed to be taken to allay the fears of the teachers, the parents and the aided school managements. The Hon. Minister would readily agree that the aided school managements have been doing good work and that they should not be shuffled out all too abruptly.

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THE HON. SRI C. SUBRAMANIAM : Mr. Chairman, Sir, the Hon. the Leader of the House yesterday in his reply to the discussion on the Governor's Address dealt with this subject elaborately and I do not think any more assurances from the Government would be necessary. But still to make the position quite clear, I would like to make the following statement :—

On the 29th November 1958, the Government issued an order (G.O. No. 2124, Education) to the following effect :—

(1) No fee shall be levied from any pupil for tuition in Standards (or classes or grades) I to V of any school (Lower elementary, Higher elementary, Junior Basic, Senior Basic or Special) under public management.

(2) In regard to schools under private management, two types of schools, with Standards I to V, shall be recognised, namely, (*a*) fee levying schools and (*b*) non-fee levying schools.

(3) The non-fee levying institutions shall be eligible for recognition as well as the usual grant-in-aid according to the rules and orders in force.

(4) The fee levying schools may levy such rates of fees as they deem fit. They shall not, however, be eligible for any grant-in-aid (or compensation grant) in respect of Standards I to V. Academic recognition for these institutions will be granted by the competent authority. They should conform to the syllabus prescribed, and fulfil such other conditions as may be attached to academic recognition.

These orders will apply to tuition fees only and will not apply to special fees which may be levied as per rules and orders for the use of the library, medical inspection, games or for any other special convenience.

The Government directed that these orders should come into force from the school year 1959–60. The Director of Public Instruction was requested to bring these orders to the notice, individually, of the private managements in charge of all schools where tuition fees were levied at present from pupils in Standards (or classes or grades) I to V and to ascertain from them, in due time whether they elected to remain as fee levying institutions on a non-aided basis in respect of Standards I to V or to function as non-fee levying institutions on an aided basis.

This order was issued in pursuance of the Government undertaking to accept and implement the recommendation of the Legislature Committee on the White Paper on Education that the first five years of schooling should be made compulsory in every village and town of the State by 1965–66. The recommendation had the approval of both the Houses of Legislature.

One of the recommendations of the Legislature Committee on the White Paper on Education was that an *Ad Hoc* Committee should be constituted to review the system of grants-in-aid to the educational institutions. This Committee has been constituted and

it is known as the 'Education Grants Committee'. It has recently submitted a report on Secondary Education. It has not so far considered the question of grants to elementary schools but will do so at its next meeting and it is likely to submit a report in the matter very soon. The Government Order in question was approved by this Committee before it was issued. This Committee will no doubt take into account the situation arising out of the order in making its recommendations regarding grants-in-aid to elementary schools. Some managements and the Association of Managements of Aided Elementary Schools have represented that it will not be possible for the managements to run the schools as non-fee levying schools on the basis of the grants-in-aid now in force, and that they cannot also continue as fee levying schools without the help of the Government grants.

In view of these representations, it has now been decided that the entire matter should be placed before the State Education Advisory Committee and its advice taken and acted upon. The final decision of the Government in the matter will be communicated to the managements and they will have then to decide whether they elect to be fee levying institutions or non-fee levying institutions. Managements of fee levying institutions which propose to change over to non-fee levying basis will be helped by the Government. To do so is no doubt difficult. If it is known that any school will not be able to continue on the terms offered by the Government, necessary arrangements would be made for the taking over of the management of such institutions so that the teachers and pupils may not suffer. In any case, the Government will make arrangements to see that no teacher is thrown out of employment and that no pupil is deprived of the facilities for education and there is no justification for any apprehension on this score. I will also request the managements of the schools not to take any precipitate action in the matter.

Dr. A. CHIDAMBARANATHAN: Mr. Chairman, Sir, on a point of information. May I ask the Hon. Minister . . .

Mr. CHAIRMAN: According to the rule, this is a statement made by the Hon. Minister on which there can be no discussion, no point of information or point of order. I am sorry I am not in a position to allow the hon. Member to ask for any information on the statement made by the Hon. Minister.

We will now take up the Government Bill.

III.—GOVERNMENT BILL.

THE TIRUCHIRAPPALLI KAIAERUVARAM AND MATTUVARAM BILL, 1958 (L.A. BILL NO. 25 OF 1958)—*cont.*

Clause 2.

Mr. CHAIRMAN: The motion is—

'That clause 2 do stand part of the Bill.'

Hon. Members Sri P. S. Krishnaswamy Ayyangar and Sri K. Balasubramanya Ayyar have given notice of certain amendments. They may move the amendments and get them seconded

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* SRI P. S. KRISHNASWAMY AYYANGAR : To get my amendments seconded I must first explain the purport of the amendments. Otherwise, I find it difficult to get hon. Members to second my amendments. Sometimes hon. Members do not come prepared, or they do not look into the amendments, and without reading the amendments, they cannot understand the purport of the amendments. Therefore, before moving the amendments, if I explain their purport, they will understand them. Then, if they second the amendments, it is all right. If they do not, then they will fall through for want of a seconder. Therefore, I request I may be permitted to move my amendments and to first explain them before I expect an hon. Member to second them.

SRI V. V. RAMASWAMI : We will second all the amendments of the hon. Member.

MR. CHAIRMAN : The hon. Member may first move the amendments, get them seconded and then speak on them.

* SRI P. S. KRISHNASWAMY AYYANGAR : I move the following amendments standing in my name—

'In clause 2, for the existing sub-clause (*a*), substitute the following :—

" (*a*) 'garden land' means dry land irrigated from an artesian or other well or by lifting water from other sources ".'

'In sub-clause (*c*), for the words " deriving any right from such owner in respect of that land ", substitute the following words " deriving by transfer *inter vivos* or by operation of law any right of such owner in respect of that land, by virtue of which he becomes entitled to the possession of that land or to the crops standing thereon at the time when the transfer of right takes effect ".'

'For the existing sub-clause (*d*), substitute the following :—

" (*d*) '*Mattuvaramdar*' means any person engaged by a landowner to supply bulls for ploughing operations and to do ploughing and other operations on a land for remuneration, for such work and supply by a share in the crop on the land in respect of which such work is done and such supply is made ".'

'In sub-clause (*e*), for the words " any reference to acres of wet land shall be deemed to include a reference to dry or garden land reduced to their equivalent extent of wet land ", substitute the following :—

" any reference to acres of wet land shall be deemed to include a reference to their equated extent either of dry land or of garden land or of both combined ".'

SRI V. V. RAMASWAMI : I second the amendments, Sir.

3-20 p.m. SRI K. BALASUBRAMANYA AYYAR: Sir, I move the following amendments :—

" *Omit* sub-clause (*a*) ".

" For the existing sub-clause (*b*), substitute the following :—

" (*b*) ' *Kaiaeruvaramdar* ' means any person engaged by a landowner to do ploughing and watering operation and poradi of ploughing operation alone in respect of paddy crop alone on a wet land for remuneration for such work by a share in the crop on the land in respect of which such work is done or by payment of a fixed quantity of paddy or by both such share and payment."

" In sub-clause (*c*), delete the following words ' and includes any person deriving any right from such owner in respect of that land '."

" In sub-clause (*d*), after the words ' ploughing and other operations ' and before the word ' on ', insert the following words : ' inclusive of levelling, repair of ridges, watering, transplanting, weeding, manuring and preparing the " kanam " and " poradi " '."

" Delete sub-clause (*e*) ".

SRI MOHAMED RAZA KHAN: I second all the amendments, Sir.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, my first amendment deals with the change proposed to the definition of ' garden land '. Garden land has been defined in the Bill as ' dry land irrigated by lifting water from a well or other sources '. In saying so, it presupposes that water should be lifted from wells and that it is necessary always to do so in the case of all wells. On the other hand, it does not indicate the existence of artesian wells; it has lost sight of it. Artesian wells send forth water from the bowels of earth without any human exertion or human effort. The same definition as is found in the Bill was also found in the Plantations Agricultural Income-tax Bill. I said to a friend of mine in the Assembly that it was not correct and I suggested to him that the definition would not include the cases of artesian wells. He moved an amendment and that amendment was accepted in the Assembly. It is a similar amendment that I am now moving here. In the Plantations Agricultural Income-tax Act, the amended clause reads thus—

" ' Garden land ' means dry land irrigated by water from well or by lifting from other sources."

If ' from well ' alone is mentioned, it will just mean only one class of well and not the artesian well. I, therefore, seek to introduce the word ' artesian or other well '. For, in the case of ordinary wells, water will have to be lifted from a depth. But the process of lifting is not at all present in the case of artesian wells, where water spontaneously rises to the ground from below the surface.

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MR. CHAIRMAN : In the case of the artesian well also, water is lifted!

* SRI P. S. KRISHNASWAMY AYYANGAR : It is not lifted by human effort. Water is lifted by nature and not by man. When I say that the same amendment has been accepted in the Assembly in regard to another Act, no gentleman, no hon. Member with an open mind would object and there is no room for arguing the matter. (Laughter.)

Then, Sir, I will deal with the definition of 'landowner'. 'Landowner' is defined as one who owns land as well as one who derives any right from the original landowner; 'any right' may mean anything which does not entitle the transferee to possession of the land or possession of the crops. The man who gets a simple mortgage on land has nothing to do with the crops or possession of the land. So 'any right' would include a person who gets a hypothecation right over the land or a simple charge over the property. He cannot in any way have anything to do with a varamdar and he has no share in the produce whatever. A man who derives any right should be one who is entitled to the possession of the land or to the crops standing on the land. And the person who is entitled to the possession of the land will necessarily raise crops on the land. He will have a right over the crops and will be entitled to the produce and he will also have something to do with the varamdar. The original landowner may raise the crop and later on, a court auction purchaser may become entitled to the property just at the time of harvest. He will derive the right entitling him to the crops standing on the land.

Again, in Insolvency cases, the Official Assignee may get into the shoes of the original landowner and such a person may really deserve to be included under the definition of 'landowner'. A mere charge-holder, a simple mortgagee cannot be brought under this clause. So, it should not say 'any right'. The persons getting from the landowner particular rights specified in my amendment should alone be included under the category of landowners.

Again, it is said 'derives any right from the original owner' and this may mean 'derives any right directly from him' by a transaction entered into with the owner. It will refer only to a transaction *inter vivos*, between two living persons and may not include a transfer of right by operation of law, that is, under the insolvency law, or as a result of the death of the original owner. The expression 'derives any right from the owner' may mean only transactions had directly between the owner and the person concerned, and not those by operation of law. A transfer effected under the insolvency law, or by a court auction may not be included in the definition as it stands now. Therefore it is to include all cases that I suggest the insertion of 'transfer *inter vivos* or by operation of law'. The mode of transfer as well as the nature of the right transferred should both be indicated in the definition and to that effect I have moved my amendment.

Then, I go to sub-clause (*d*).

SRI K. BALASUBRAMANYA AYYAR : Sir, I suggest that each amendment may be disposed of and then the next amendment may be taken up.

MR. CHAIRMAN : My difficulty is hon. Members may want to speak on each amendment.

3-30 p.m. SRI K. BALASUBRAMANYA AYYAR : Then, it is better to put the amendments one by one separately at the end.

MR. CHAIRMAN : That will be done.

SRI P. S. KRISHNASWAMY AYYANGAR : He suggested a particular course.

MR. CHAIRMAN : Each amendment will be separately put to vote at the end.

SRI P. S. KRISHNASWAMY AYYANGAR : Then may I go on?

MR. CHAIRMAN : Yes.

* SRI P. S. KRISHNASWAMY AYYANGAR : Then, I go to the definition of '*mattuvaramdar*'. *Mattuvaramdar* has two functions. He has got to supply bulls for ploughing operations and he has got also to do ploughing and other operations. For these things he has got to get some remuneration. The wording in the definition is that he will be given remuneration for such work. What is the sort of work that he has got to do? He has got to attend to the supply of bulls and has got to do ploughing and other operations. No doubt, the word 'work' may appropriately be used in the case of ploughing and other operations. 'Work' indicates some physical exertion. But the supply of bulls does not necessarily involve physical exertion. Supply may be made by word of mouth, by a command made to a servant by the *mattuvaramdar*. Therefore, without any physical labour on his part, the supply can be made. Therefore, when supply is intended to be mentioned, the word 'supply' itself should be used and when the operations which involve physical labour are intended to be mentioned, the word 'work' may be properly used. So, I have suggested an amendment to recast sub-clause (*d*). Just to distinguish work from supply and to indicate that work involves physical labour and that supply of bulls may not necessarily involve such labour, I suggest this amendment.

Then, I come to sub-clause (*e*). It refers to the equating of wet lands with the equivalent extent of dry lands or garden lands. Here equating is done only with reference to dry land or garden land, but a combined extent of garden land and dry land may arise, for purposes of equating with an extent of wet land and for such a case no provision has been made. So, I suggest that for the words "any reference to acres of wet land shall be deemed to include a reference to dry or garden land reduced to their equivalnt extent of wet land" the words "any reference to acres of wet land

shall be deemed to include a reference to their equated extent either of dry land or of garden land or of both combined " be substituted. The same expression regarding ' equating ' is found in the Tenants' Protection Act. There too it is stated " and any reference to acres of wet land shall be deemed to include a reference to dry or garden land reduced to their equivalent extent of wet lands." There is a small pamphlet issued by the Bar Association of Coimbatore for the guidance of the members of the Bar. In that small pamphlet there is a footnote to this clause which says that the wording of clause (*g*), that is, clause (*g*) in the Tenants' Protection Act, is rather unhappy but that nevertheless the meaning is clear. So, the same unhappy wording is found here. It may be made clear by the amendment that I seek to make.

These are all the amendments I have moved to clause 2.

SRI K. BALASUBRAMANYA AYYAR : Sir, my amendment to sub-clause (*a*) is that it should be omitted altogether. If that is done, there is no trouble about artesian or other well. I have to state that in Tiruchirappalli there is no question of artesian well at all. It is so near the river that we get water at any time at any place. That is the situation. But my amendment goes to the principle of the matter. The *kaiaeruvaram* and *mattuvaram* systems apply only to wet land cultivation in that area. That is accepted and there has been no suggestion or evidence to the contrary anywhere. Therefore, applying this to garden lands is not correct. So far as the particular system of sharing the crop is concerned, the crop, paddy crop is there. That is the only crop involved in the sharing. That is what is called varam. Nowhere else it obtains. Therefore, the definition of ' garden land ' is unnecessary. So, I have suggested that sub-clause (*a*) may be omitted altogether.

Then, I came to the definition of ' *kaiaeruvaramdar* '. ' *Kaiaeruvaramdar* ' means any person engaged by a landowner to do ploughing and watering operations and poradi. . ." In some of the villages where the *kaiaeruvaram* system obtains there is also poradi. It is part of the work. Poradi is after harvest. It is to have the grain separated from the stalk. Therefore, I want to add ' poradi ' also in the definition. The general principle should be that it should be according to the terms obtaining before. That would be sufficient to cover all these things. But still there may be some arguments later that ' poradi ' has not been put in here. All these difficulties may arise. Therefore, it is better to be a little more careful especially when it is said in the Preamble that there are uncertainties about the duties of *kaiaeruvaramdar*. Therefore, let us not add to the uncertainties by having another uncertainty here by solemnly passing it in the Assembly and the Council. Even if this amendment is defeated, I won't be very much affected. But it is better to be clear.

VIDWAN T. MUTHUKANNAPPAN : May I know from the hon. Member what ' poradi ' means?

SRI K. BALASUBRAMANYA AYYAR : நிலத்தில் அறுவடை செய்யப்பட்ட தானியங்களைக் களத்திற்குக் கொண்டுவந்து அங்கே அவைகளை அடித்து கதிரும் வைக்கோலும் சேராத தனி தானியங்களாகப் பிரிப்பதற்கு ' போரடி ' என்று பெயர்.

VIDWAN T. MUTHUKANNAPPAN : Another form is ' poradithal '.

SRI K. BALASUBRAMANYA AYYAR : I have no objection
3–40 p.m. to accept the verbal change, if necessary. I have got an open mind. Then the words ' in respect of paddy crop alone ' in my amendment are important. Ordinarily, this system obtains only in the case of wet lands in the 43 villages of the Tiruchirappalli district. This is a peculiar system. Most of them are small landholders. As they are all small landholders, they are not having their own bulls. Landowners are people who have not got any facilities at all. Most of them own below three acres and ten acres. That is why this system obtains in that part of the country. It is a very fertile place, and even one acre of land will give some paddy. The *mattuvaramdar* does the work for a number of landowners. He does the work for fifteen days on lands side by side. He goes to everybody and does work on the land. (Sri K. T. Kosalram : Absentee landlords). I cannot say that most of them are absentee landlords. Some are absent. My only point is to confine this system to paddy crop alone. Nobody has suggested that for any other crop, this system obtains there. I have not put in a clear amendment as the hon. Member Sri P. S. Krishnaswamy Ayyangar has done. But I am not against it. That can also be adopted.

Then, I come to sub-clause (2) (c). My submission is that the words " and includes any person deriving any right from such owner in respect of that land " should be omitted for two reasons. The Revenue Minister has said that this Bill will come into effect on 1st April 1959. But so far as re-engagement of the *mattuvaramdar* is concerned, it has retrospective effect from 1st January 1957. My suggestion is to omit this portion of the sub-clause altogether, because it gives rise to various troubles. A lessee may be in possession of a fairly large number of acres, say, ten acres . He also will be included within the meaning of ' owner '. He may derive rights from the owner. This sub-clause applies to any person deriving by transfer *inter vivos* any right of such owner. Once it is transferred to another person, the transferree will raise paddy crop or raise plantains or betel crop. When once the transfer is made after 1st January 1957 one is not sure whether the transferee raises paddy crop at all. What has happened is that the transferees raise other crops. Therefore, that difficulty may arise. Therefore, I would request that at least in the rules to be framed, the Government may be careful

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to state that in cases of transfer, it should apply only to the standing crop of paddy. Otherwise, it should not apply. This Act is going to apply to cases after 1st January 1957. Instead of the trouble of omitting this sub-clause altogether, I suggest that suitable provision be made in the rules. This is my submission.

Then, I come to sub-clause 2 (*d*). Ploughing, levelling, repair of ridges, watering, transplanting, weeding, manuring and preparing the ' kalam ' and poradi are the various operations, which are assisted by the *mattuvaramdar*. It may be confined to ploughing alone or it may include operations connected with ploughing, namely, levelling, repair of ridges, watering, etc. In some places watering is done separately for which remuneration is given separately. There are other operations also like weeding, manuring and preparing the ' kalam ' and poradi. We may include all these operations for the sake of clearness. That is why I have included all these operations.

Then, I come to sub-clause (*e*). This relates to garden land. I have moved an amendment to delete sub-clause (*a*). The amendment to sub-clause (*e*) is a consequential amendment. If sub-clause (*a*) is opposed, sub-clause (*e*) also has to be opposed.

Sir, these are all the amendments I have moved.

* SRI A. GAJAPATHY NAYAGAR : மதிப்பிற்குரிய தலைவர் அவர்களே, கனம் அங்கத்தினர் ஸ்ரீ பாலசுப்ரமணிய ஐயர் அவர்களுடைய இந்தத் திருத்தங்களை நான் எதிர்க்கிறேன். " ' garden land ' means dry land irrigated by . . . " என்ற வார்த்தைகள் கொண்ட பிரிவு, 2 (a)-ஐ நீக்கி விடவேண்டும் என்று அவர் திருத்தம் கொடுத்திருக்கிறார். அதற்கு அவர் காரணம் சொல்லவில்லை. " Land " என்றால் என்ன " land" ? நெல் விளையும் நிலமா ? கரும்பு விளையும் நிலமா ? வாழை விளையும் நிலமா ? வாழை விளையும் நிலம், கரும்பு விளையும் நிலம் இவைகளை எடுத்துவிட வேண்டும் என்று அவரே சொல்கிறார். அதற்குத் தனி " க்ளாஸ் " போடவேண்டுமே தவிர, இந்த ஷரத்துக்களையும் விளக்கங்களையும் எடுத்துவிட வேண்டும் என்று சொல்வது சரியல்ல. இந்தமாதிரியான சட்டங்கள் வரக்கூடாது என்று சொல்வது சரியல்ல.

இரண்டாவது பிரிவின் உப-பிரிவு (பி)-க்கு பதிலாக வேறொரு பிரிவை, கனம் அங்கத்தினர் ஸ்ரீ பாலசுப்பிரமணிய ஐயர் தமது இன்னொரு திருத்தத்தில் கொடுத்திருக்கிறார். அந்தத் திருத்தத்தில் " Ploughing operation alone " என்று சொல்லும்போது, அந்த வார்த்தைகளுக்குப் பிறகு " in respect of paddy crop alone on wet lands " என்று சொல்லியிருக்கிறார். அந்தத் திருத்தத்திற்கு இடமில்லையே ! " கார்டன் லாண்ட்ஸ்" ஐப்பற்றி விளக்கம் கூறும் பிரிவை எடுத்துவிட்ட பிறகு, இந்தத் திருத்தத்திற்கு இடம் இருக்கும். அதை எடுக்காவிட்டால், இந்தத் திருத்தத்திற்கு அவசியமில்லை.

அடுத்தபடியாக, உப-பிரிவு (சி)-இலிருந்து " and includes any person deriving any right from such owner in respect of that land " என்ற வார்த்தைகளை நீக்கிவிட வேண்டும் என்று இன்னொரு திருத்தத்தில் அவர் சொல்லியிருக்கிறார். இந்த வார்த்தைகள் சட்டப்படி அங்கே இருக்க வேண்டும். ஏனென்றால், நிலத்திற்கு எந்தக் காலத்திலும் ஒரு சொந்தக்காரன் இருக்க வேண்டும். உதாரணமாக ஒரு நிலக்காரர் இறந்துபோய்விட்டால், அந்த நிலத்திற்கு, அதற்குப் பிறகு யார் சொந்தக்காரர் என்பது தெரிய வேண்டும். அது தெரிந்தால்தான், நிலத்தை விற்கவோ குத்தகைக்குவிடவோ முடியும். இதற்கு நாம், மசோதாவில் வகை செய்தாக வேண்டும்.

[Sri A. Gajapathy Nayagar] [12th February 1959

கையோ்வாரந்தார்களுக்கும், மாட்டுவாரந்தார்களுக்கும் நியாயமான
3-50 p.m. அளவு கூலி கிடைக்க வேண்டுமென்று சொல்லிக்கொள்கிறேன். அவர்களுக்கு இன்ன கூலி கொடுக்க வேண்டுமென்று குறிப்பிடப்படவேண்டும். ஆகவே, அதை எடுத்துவிட வேண்டுமென்று சொல்வது சரியல்ல.

" '*Kaiaeruvaramdar*' means any person engaged by a land-owner to do ploughing and watering operations or ploughing operation alone on a land for remuneration, etc."
என்று சொல்லப்பட்டிருக்கிறது. ஸ்ரீ பாலசுப்பிரமணிய ஐயர் அவர்கள், கையேர்வாரந்தார் என்றால் அவன் **"plough"** செய்வதோடு **"watering operations, "poradi or ploughing operation"** இவ்வளவும் செய்ய வேண்டுமென்று சொல்கிறார்கள். அதேபோல் மாட்டுவாரந்தார் என்றால், மாடு மாத்திரம் கொடுத்தால் போதாது, "லெவல்" செய்ய வேண்டும், "ரிட்ஜஸ் ரிப்பேரிங், லெவலிங்" முதலியவைகளையும், இதர வேலைகளோடு செய்ய வேண்டுமென்று சொல்கிறார்கள். என் அவர்களுக்கு இவ்விதம் கூடுதல் வேலை கொடுக்க வேண்டுமென்று கேட்கிறேன். அவர்கள் செய்ய வேண்டிய வேலைகள் அல்ல இவை. **"plough"** செய்வது மாத்திரந்தான் அவர்கள் வேலையே தவிர, மீதியுள்ள வேலைகள் அவர்களுக்குள்ள வேலைகள் அல்ல என்பதை எல்லோரும் உணர வேண்டும். இப்பொழுது **"custom and usage"** படி என்ன என்ன வேலைகளை அவர்கள் செய்து வருகிறார்களோ அந்த வேலைகள்தான் அவர்களுக்குக் கொடுக்கப்படலாமே தவிர அதிகப் படியான வேலைகளை அவர்கள் தலையில் சுமத்துவது சரியல்ல என்று நான் சொல்லிக்கொள்ள விரும்புகிறேன். ஆகவே, இந்தத் திருத்தம் அவசியமில்லை. சொல்வதை "ஸிம்பிளாக" சொல்ல வேண்டும். அதாவது, அது எளிதாக இருக்க வேண்டும். விளக்கம் சொல்லி அதன் பலன் கெட்டுப்போய்விடக் கூடாது. கையேர்வாரந்தாரைக் கையேர்வாரந்தார் என்றும், மாட்டுவாரந்தாரை மாட்டுவாரந்தார் என்றும் கூறிக்கொள்வதோடு நிறுத்திவிட வேண்டும்.

MR. CHAIRMAN : Mr. Balasubramanya Ayyar, if you want to say anything by way of reply in respect of your amendment, you may do so now. You cannot speak after the Hon. Minister speaks. You have no right of reply after the Hon. Minister speaks.

SRI K. BALASUBRAMANYA AYYAR : Sir, I have to make it clear to the House that the meaning of the word "*mattuvaramdar*" has to be properly understood. He has been customarily doing certain jobs. It is not as if he supplies the bulls and keeps quiet. We cannot take it in that way. That is not correct. Moreover, that is not the system that has been obtaining there. Before ploughing, he has to attend to levelling, keep the ridges properly and do all those things. He has been usually attending to those things. It is not as if it is something like a contractor's item of work, viz., supplying the bulls and doing nothing else. So, it is nothing revolutionary or anything of the kind. It will not cause any hardship to him. He has been doing all these things in the past. If we say that the general procedure that has been obtaining till now shall be continued, it will cover the whole thing. But, this is a matter concerning definition. So, it is better we make the position very clear here itself. That is why I am very particular about it. If, however, the Government do not agree with me, I am not very particular about it. I only want to point out again that the *mattuvaramdars* have been doing all these

things and that they have been remunerated for the same. It is not as if they were not paid anything. If that was not the case, they would not have done these things for such a long number of years in the past.

SRI K. T. KOSALRAM : Is the hon. Member sure that what he says is being done in practice in those places? Or, is it only theoretical knowledge?

SRI K. BALASUBRAMANYA AYYAR : Fortunately or unfortunately, I was in the Select Committee which considered this Bill. I have gone through the records. I know the conditions very well. There are decisions of the High Court given on certain writ petitions also. The hon. Member is coming from Tirunelveli and so, he is asking this question. It is evident. I may tell him that a Member of the Board of Revenue visited the place and submitted a report to the Government on this matter. He has given all these facts. I am not saying anything which is not in Government records themselves. If the hon. Member goes through them, he will realise that what I say is correct. It is wrong to think that we in the Legislature are trying to impose any new conditions on these people. I am not for it. We do not want the Government or the Legislature to impose any new conditions on these people. I want to make that very clear. I was only referring to the practice that had already been obtaining and that had been there for a very long time in the past. That is all.

THE HON. SRI M. A. MANICKAVELU : Sir, with regard to the first amendment . . .

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I suggest the second amendment may be taken up first. If the second amendment is accepted, there will be no necessity for the first amendment.

* THE HON. SRI M. A. MANICKAVELU : The hon. Member wants that mention should be made about 'artesian' wells. But, I may inform the hon. Member that 'well' includes artesian well also. However, this difficulty may arise in this way. We have put,' . . land irrigated by lifting water from wells or other sources'. It may be said that we do not lift water from artesian wells, and so the wording may not be quite all right. But, I want to submit in this connection that there are no artesian wells in that area. Probably, the hon. Member has in mind the whole State. In this particular area—that too, in a certain number of villages—there are no artesian wells. In view of this, there is no necessity to accept the amendment to include 'artesian'.

With regard to the other amendment, the hon. Member wants to give a sort of paraphrase. For the words 'deriving any right from such owner in respect of that land' he wants to substitute the words 'deriving by transfer *inter vivos* or by operation of

law . . .' The phraseology at present used in the sub-clause is a sufficiently familiar legal phraseology and it is used in various other enactments such as the Madras Cultivating Tenants Protection Act, the Payment of Fair Rent Act and so on. So, I do not think there is any need to accept the amendment, thereby restricting the scope and meaning of the sub-clause.

As regards the third amendment, the hon. Member wants to say that '*mattuvaramdar*' means any person engaged by a landowner to supply bulls for ploughing operations and to do ploughing and other operations on a land for remuneration for such work. The hon. Member evidently thinks that the present provision does not make the position clear with regard to the supply of bulls and that, therefore, it will not come under the sub-clause. My submission is that the present provision is very
4 p.m. clear and that there is no need to amend it.

Both these cover the word 'work'. These two operations, the operation of ploughing and the operation of doing other work, go with the word 'work' and there is no necessity to again mention the words 'supply, etc.'.

As regards dry land, in another clause, the application of other Acts, namely, the Madras Cultivating Tenants Protection Act and the Payment of Fair Rent Act, is mentioned and definition of 'dry land' is contained in those Acts. Since we are only applying those Acts here, much will not be lost simply because it has not again been defined in this Act. Further, the tenure refers only to wet lands. Since the definition is contained in the other Acts, I think there is no harm in leaving the clause as it stands.

Now, the hon. Member Sri Balasubramanya Ayyar wants '*Kaiaeruvaramdar*' to be defined as any person engaged by a landowner to do ploughing and watering operations and poradi or ploughing operation alone in respect of paddy crop, etc. Our difficulty is this. The view we got from the Board Members and others who visited that place is that a '*kaiaeruvaramdar*' did only ploughing and nothing else. But it was also brought to our notice that in certain other areas he did not only ploughing but also other operations such as watering, etc. There was difference even there. If we add poradi to these, it will create greater difficulties. To be safe, therefore, we said that a '*kaiaeruvaramdar*' meant a person engaged by a landowner to do ploughing and watering operations or ploughing operation alone on a land for remuneration. Just to safeguard where he did not do both the operations of ploughing and watering, we have used the word 'or' in the definition. For these reasons Government cannot accept the amendment of the hon. Member. Further, my information is that he is remunerated separately for any such extra work. These things, therefore, need not come under the definition.

Again, the hon. Member wants that after the words 'ploughing and other operations' and before the word 'on', the words 'inclusive of levelling, repair of ridges, watering, transplanting,

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weeding, manuring and preparing the 'kalam' and 'poradi', should be added. I do not find the word 'or' anywhere. It is all 'and' that is used. That means, if he did all these things, then only he would come under the definition of '*mattuvaramdar*'. If he omits to do any one of these things, he cannot be called a '*mattuvaramdar*'. As in the case of '*kaiaeruvaramdars*', in the case of the '*mattuvaramdars*' also we found from the reports received by us, that while certain '*mattuvaramdars*' did certain kinds of work, certain others did not do them. Therefore, we are not able to accept the amendment suggested by the hon. Member Sri Balasubramanya Ayyar. If we accept the amendment, '*mattuvaramdar*' will mean only the man who did all these things. That is not our intention. If he did all that, he would become a full-pledged tenant and there would be no need for this legislation at all. A "*mattuvaramdar*" is a sort of cultivating tenant who does not satisfy all the requisites of a cultivating tenant; he is something below a cultivating tenant, a sub-normal tenant, and that is why we have adopted the definition given in the Bill. Therefore, I am unable to accept the amendment.

MR. CHAIRMAN: Is the hon. Member Sri Krishnaswamy Ayyangar withdrawing his amendments?

* SRI P. S. KRISHNASWAMY AYYANGAR: People who are actually sleeping could be made to wake up. I do not press my amendments.

The amendments of Sri P. S. Krishnaswamy Ayyangar were, by leave, withdrawn.

MR. CHAIRMAN: Is the hon. Member Sri Balasubramanya Ayyar withdrawing his amendments?

SRI K. BALASUBRAMANYA AYYAR: I am pressing them.

MR. CHAIRMAN: I will now put the amendments of Sri K. Balasubramanya Ayyar to the vote of the House. The question is—

'Omit sub-clause (*a*)'.

'For the existing sub-clause (*b*), substitute the following—

"(*b*) '*Kaiaeruvaramdar*' means any person engaged by a landowner to do ploughing and watering operations and poradi or ploughing operation alone in respect of paddy crop alone on a wet land for remuneration for such work by a share in the crop on the land in respect of which such work is done or by payment of a fixed quantity of paddy or by both such share and payment".'

'In sub-clause (*c*), delete the following words "and includes any person deriving any right from such owner in respect of that land".'

' In sub-clause (*d*), after the words " ploughing and other operations " and before the word " on ", insert the following words : "inclusive of levelling, repair of ridges, watering, transplanting, weeding, manuring and preparing the 'Kalam' and poradi ". '

' Delete sub-clause (*e*) '.

The amendments were put and lost.

Clause 2 was put and carried.

MR. CHAIRMAN : We have taken more than an hour for one clause alone. I want the hon. Members to be brief in their remarks.

* SRI P. S. KRISHNASWAMY AYYANGAR : If we want to explain things, it cannot be helped.

Clause 3.

MR. CHAIRMAN : The motion is—

' That clause 3 do stand part of the Bill '.

* SRI P. S. KRISHNASWAMY AYYANGAR : I do not move my amendment No. 10. I am moving the following amendment :

' In clause 3, delete the following—

" Notwithstanding anything to the contrary contained in any pre-existing law, custom, usage, agreement or decree or order of a Court ". '

When I prepared my amendment No. 10, I had a copy of the Bill which stood in the form in which it was introduced in the Assembly. Therefore, there was a mistake. I discovered this mistake only later on. I found that caluse 3 had undergone a change. If it had not undergone that change, the amendment would have been appropriate. Even after the change made by the Assembly, some more amendments to the clause are found necessary. Therefore, I have proposed the amendment I have moved.

The clause begins with the expression ' Notwithstanding anything to the contrary contained in any pre-existing law, custom, usage, agreement of decree or order of a court,' and goes on to say : ' the remuneration payable to any *kaiaeruvaramdar* shall be on the same terms as were applicable to him immediately before the commencement of this Act '. The Bill as introduced in the Assembly contained a clause which stated, ' Notwithstanding any previous law, remuneration shall be payable as specified in Schedule II '. Schedule II stated some scales of remuneration. The scales stated in the schedule may be contrary to the scales obtaining before the commencement of this Act. Therefore, there was necessity for the introduction of the expression ' Notwithstanding any pre-existing law, etc." But now it says that

remuneration shall be as it was applicable before the commencement of the Act. Before the commencement of the Act, everything would have taken place in accordance with previous custom or in accordance with agreement entered into or in accordance with decrees passed by courts.

If a decree had been passed, it would have been passed according to custom prevailing or in terms of any agreement subsisting between the two parties. When you say that the principle would be as it applied before the commencement of this Act, 'notwithstanding anything to the contrary, etc.', is out of place here. It does not have a place there. It is misplaced and, therefore, I suggest that it should be removed. That is the amendment I am moving. 4.10 p.m.

MR. CHAIRMAN: Is anybody seconding it? (After a pause): The amendment falls through for want of a seconder.

Clause 3 was put and carried.

Clause 4.

MR. CHAIRMAN: The motion is—

'That clause 4 do stand part of the Bill.'

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, this clause deals with termination of engagement between the landowner and the varamdar. Termination may be in several ways. Termination may be due to misconduct of the party, misconduct of the *mattuvaramdar* or *kaiaeruvaramdar*. It may be due to the neglect of duty on the part of the varamdar. If the termination is on account of his misconduct or neglect of duty, the proper expression to use is 'dismiss'. Termination may take place after giving notice to the other party; the landowner or varamdar may terminate his engagement by giving notice to the other party. That is one class of termination. Thus, there are two categories of termination—termination by dismissal and termination under other circumstances.

In sub-clause (1), it is said thus: 'Subject to the provisions of sub-sections (2) and (3), no landowner shall dismiss a *kaiaeruvaramdar* after the commencement of the agricultural operations in a crop season'. It is said, 'Subject to the provisions of sub-sections (2) and (3)'. Now, sub-section (2) relates to dismissal, while sub-section (3) relates to termination on other grounds. In sub-clause (1) the word 'dismissal' alone is used to cover dismissal for misconduct as well as termination on other grounds. When termination arises as a result of misconduct or neglect of duty, then alone the proper word to use is the one used in the sub-clause. At the same time, I have to say the word 'dismiss' has been indiscriminately used for termination of both the categories and so that defect should be removed and my amendment is intended to remove that defect.

Again, it says that no dismissal should take place after the commencement of the agricultural operations in a crop season. In the case of dismissal for misconduct or neglect of duty, there should be no time-limit placed. For, an act of misconduct or neglect of duty is like a spark of fire and it should not be allowed to remain there. Misconduct and neglect of duty demand immediate removal. In the case of termination on account of misconduct, there should be no time-limit placed. Therefore, the expression 'after the commencement of agricultural operations in a crop season' will not be proper in the case of a person to be dismissed for neglect of duty or for misconduct. I want to make this point clear and I want to include the cases of dismissal as well as termination on other grounds in sub-clause (1) and, at the same time, I want to remove from the first clause the time-limit imposed by the expression 'after the commencement of the agricultural operations in a crop season'.

Therefore, I move the following amendment—

"For the existing sub-clause (1), substitute the following:

"(1) No landowner shall dismiss a *kaiaeruvaramdar* or otherwise terminate his engagement except as provided in sub-sections (2) and (3)."

I also move the following amendment :—

"In sub-clause (2) after the words "may dismiss" and before the words '*a kaiaeruvaramdar*' insert the words "at any time'."

In the case of dismissal, there should be no time-limit at all. I want to make it clear that there should be no time-limit in the case of removal for misconduct. Therefore, I want to add in sub-clause (2), after the words "may dimiss" and before the word '*kaiaeruvaramdar*', the words 'at any time'. It may be in the middle of a cultivation season and yet a man guilty of misconduct should not be kept there; it will be detrimental to the further-agricultural operations. Therefore, 'at any time' should be inserted in the clause relating to dismissal.

Then, I move the following amendment :—

'For the existing sub-clause (3), substitute the following :—

"(3) Any land owner or *kaiaeruvaramdar* may terminate the engagement with the consent of the other party or by giving notice in writing of not less than twelve months ending with a crop season provided that where the landowner terminates the engagement under this sub-section or dismisses the *kaiaeruvaramdar* under sub-section (2), he shall be liable to pay to the *kaiaeruvaramdar* such compensation as may be prescribed or such amount as may be mutually agreed upon but without prejudice to his right of suit against the *kaiaeruvaramdar* for any damage caused to him by the misconduct or neglect of the *kaiaeruvaramdar*.'".

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In the existing sub-clause (3), it is said " any landowner or *kaiaeruvaramdar* may terminate the engagement by giving notice, etc." There the active agent is mentioned as one person, a *kaiaeruvaramdar* or a landowner. Both the persons do not conjointly do a particular thing. That is why I say that it should be " either the landowner or the *kaiaeruvaramdar* may terminate the engagement with the consent of the other party ". We use the expression " mutual agreement " only when both act conjointly. I shall give an illustration . . .

MR. CHAIRMAN : Please make your speech short.

* SRI P. S. KRISHNASWAMY AYYANGAR : What am I to do? I have to explain my points. Well, I shall be brief. Suppose the spouse of the Minister is observing Brahmacharya; suppose it is done with the consent of the Minister. The spouse is the active agent. The proper expression in such a case is the spouse of the Minister is observing Brahmacharya with the consent of the Minister. But when both move in the matter, you say, the ministerial spouses are observing Brahmacharya by mutual agreement. When you use the expression " mutual agreement " the active agents should be both. Here in the sub-clause only one is made the active agent. We should therefore use only the expression with the consent of the other party " and not by mutual agreement ". I, therefore, suggest the amendment standing in my name.

Then the clause makes some provision for terminating the engagement after issuing notice. In the case of a person who is guilty of misconduct, no notice is necessary and he may be dismissed at any time. But in the case of one who has got to be dispensed with after notice, the sub-clause makes provision for giving twelve months' notice. But the twelve months' notice may expire in the middle of a cultivation season. That ought not to be the case. The twelve months' notice should expire with the crop season. It should not expire in the middle of the cultivation season. 4-20 p.m.

MR. CHAIRMAN : I cannot give too much time for speaking on amendments.

* SRI P. S. KRISHNASWAMY AYYANGAR : Three minutes more, Sir.

When you want to terminate the engagement for your own benefit, you cannot terminate it by notice expiring in the middle of a cultivation season. Therefore, I say that the twelve months' notice should be capable of expiring at the end of a crop season.

Another point is the man to be dismissed may be dismissed at any time, but he should not lose the *pro rata* remuneration that he would get up to the time when he is dismissed. In such a case he should be given his remuneration. But, then, on account of his misconduct or neglect of duty, the landowner might have sustained some loss and the landowner should have a separate remedy

against the culprit or the recalcitrant *kaiaeruvaramdar* and he should have a right of suit against him for any loss sustained by him on account of his misconduct. For this purpose I have suggested the recasting of sub-clause (3).

VIDWAN T. MUTHUKANNAPPAN : Sir, these amendments seem to be very reasonable. So, I second them.

SRI K. BALASUBRAMANYA AYYAR : Sir, the first amendment seems to be a very proper one. Sub-clause (1) says, ' Subject to the provisions of sub-sections (2) and (3), no landowner shall dismiss a *kaiaeruvaramdar* . . .'. But sub-clause (3) concerns itself not with dismissal but with termination of the engagement. So, we cannot talk of ' subject to the provisions of sub-sections (2) and (3) ' in sub-clause (1). The meaning is clear but the drafting is not happy. So, I suggest that the amendment of the hon. Member Sri Krishnaswamy Ayyangar may be adopted. It is only a drafting amendment. But I do not know whether the Hon. the Revenue Minister will be prepared to go back to the Assembly with the Bill. But anyhow, that is an amendment which seems to be legally very good. Two things are contemplated, dismissal and termination. ' May dismiss or terminate ' should be there. That would be proper.

* THE HON. SRI M. A. MANICKAVELU : Sir, I agree with the view expressed by the hon. Member that looking at it from a point of view of strict interpretation, it would have been happier to have it because now, as it is, the main clause, that is, sub-clause (1), refers to dismissal but the other two clauses refer to dismissal and termination. But my difficulty is this. On any main, important point, it is worth while accepting the amendment and taking the Bill back to the Assembly. But, after all, even as the hon. Member suggested, it is only a minor change in phraseology. The phraseology may not be happy but still substantially we won't lose anything because of it. But we know, as a matter of fact, there are dismissals going on every day, not for misconduct or neglect of duty. It may perhaps be called termination of service. But still there is dismissal going on for reasons other than neglect of duty. Therefore, it would not affect the interpretation. So, the amendment is not so very necessary.

Then, as regards the amendment that the period of notice should expire with a crop season, there is a general remedy of suing the man for damage. So, we cannot be having it here. The other difficulty raised, I think, could be provided against in the rules. Under these circumstances, I regret I am not able to accept the amendments

The amendments were, by leave, withdrawn.

Clause 4 was put and carried

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Clause 5.

MR. CHAIRMAN : The motion is—

"That clause 5 do stand part of the Bill."

The hon. Member Sri P. S. Krishnaswamy Ayyangar may move his amendments. Five minutes.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move the following amendment :—

"In clause 5, after the words 'and before the commencement of this Act' and before the word 'shall' *insert* the words 'for any reason other than those specified in sub-clause (2) of section 4 or without his consent'."

The amendment was duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, clause 5 relates to re-engagement. Re-engagement should not be applicable to persons dismissed or whose engagement was terminated by mutual agreement. Even in such a case this clause says that the party should be re-engaged. It is wide in its scope. A party who has been dispensed with by mutual agreement should not be given the right to be re-engaged. A party who has been dismissed for misconduct should not be given the right to be re-engaged. But the clause looks as though it includes also all those people. Therefore, I move this amendment.

SRI K. BALASUBRAMANYA AYYAR : Sir, I move the following amendments :—

"In clause 5 *add* the following proviso at the end :—

'Provided that no *kaiaeruvaramdar* shall be entitled to re-engagement in cases *(a)* where during fasli 1368 the land in question has been grown with any crop other than paddy, *(b)* where the land has been *bona fide* leased by the landowner after 1st January 1957, *(c)* where the landowner engaged other *kaiaeruvaramdars bona fide* after 1st January 1957 and *(d)* where the *kaiaeruvaramdar* applying for re-engagement has been guilty of theft or other offences relating to the person or property of the landowner'."

The amendment was duly seconded.

SRI K. BALASUBRAMANYA AYYAR : Sir, I consider this a fairly important amendment.

The re-engagement clause operates in respect of engagement terminated on or after 1st January 1957 and before 1959, that is, when the Act comes into operation. Between 1957 and 1959 there might be other things that happened which would not enable them to be re-engaged. Those things also have to be provided for. For example, during fasli 1368, that is, during 1957–58 the land in question might have been grown with any crop other than paddy.

Suppose he grows other crops after 1957. Then, there is no question of having a kaiaeruvaramdar at all. So, we must provide that in such cases there is no question of re-engagement. Then, the land might have been *bona fide* leased by the landowner after 1st January 1957. Suppose the landowner is in Madras and he leases the land. The lessee might have made other arrangements. Then it would be a difficult thing. That is why I say in the proviso suggested, ' where the land has been *bona fide* leased by the landowner after 1st January 1957, where the landowner engaged other kaiaeruvaramdars *bona fide* after 1st January 1957 and where the kaiaeruvaramdar applying for re-engagement has been guilty of theft or other offences relating to the person or property of the landowner.' Where the kaiaeruvaramdar, who has applied for re-engagement, has been guilty of theft or other offences relating to the person or
-30 p.m. property of the landowner, the landowner must be excused from re-engaging him. There have been cases of rioting and violence on the part of the kaiaeruvaramdars. So, where the kaiaeruvaramdar has given trouble to the landowner, the landowner must be excused from re-engaging him. We must provide for these cases also. That is why I have suggested the addition of a proviso.

* THE HON. SRI M. A. MANICKAVELU : Sir, this is the clause on which my open mind operated. I am finding it difficult to accommodate. Hon. Members of the Select Committee also pointed out that, in cases where the land had been put to other cultivation than paddy, e.g., sugarcane or betel or plantains, it would work hardship. We considered whether we could make provision for this contingency, but we could not arrive at any workable device. There will be a certain amount of anomaly and there will be a certain amount of difficulty to people who had raised crops other than paddy. Even to-day I tried how best to meet the difficulty. But the forces are against finding any means of providing for this contingency. I may also submit that there is already an impression among sections of the public that we are unnecessarily delaying this Bill. That is the difficulty. I submit that the balance of convenience is to leave the Bill as it is without any amendment.

The amendment of Sri P. S. Krishnaswamy Ayyangar was, by leave, withdrawn.

MR. CHAIRMAN : The question is—

' In clause 5 *add* the following proviso at the end :—

" Provided that no *kaiaeruvaramdar* shall be entitled to re-engagement in cases (*a*) where during fasli 1368 the land in question has been grown with any crop other than paddy, (*b*) where the land has been *bona fide* leased by the landowner after 1st January 1957, (*c*) where the landowner engaged other *kaiaeruvaramdars bona fide* after 1st January 1957 and (*d*) where the *kaiaeruvaramdar* applying for re-engagement has been guilty of theft or other offences relating to the person or property of the landowner ".'

The amendment was put and lost.

Clause 5 was put and carried.

Clause 6.

MR. CHAIRMAN : The motion is—

'That clause 6 do stand part of the Bill.'

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move the following amendment :—

'In sub-clause (2)—

(i) for the words "within thirty days of the passing of the order", substitute the words "within thirty days of the communication of the order to the party appealing".

(ii) after the word "and" and before the words "the decision of the Revenue Divisional Officer", insert the words "subject to the provisions of section 11".'

Sir, this sub-clause provides for a period of thirty days for filing an appeal. It says that the appeal should be filed within thirty days of the passing of the order. The order passed should be communicated to the party concerned, and then only the limitation period should begin to run. Therefore, the time prescribed for filing the appeal should be made to run from the date of the communication of the order to the party concerned. There should be a duty cast on the officer passing the order to communicate it to the person concerned. Otherwise, he may not think that it is his duty to communicate the order to the party. And the party may not know when the order was passed. He may not therefore be able to file the appeal within thirty days. There would thus be much hardship. Therefore, I suggest my amendment.

Sir, clause 11 gives revisional powers to the High Court. But clause 6 makes the decision of the Revenue Divisional Officer final. Both these clauses are contradictory to each other. Therefore, I want to add the words "subject to the provisions of section 11'.

SRI A. GAJAPATHY NAYAGAR : Sir, I second the first part of the amendment, namely, the communication of the order to the party concerned. I oppose the second part of the amendment.

SRI G. KRISHNAMOORTHY : I second the second part of the amendment, Sir.

SRI A. GAJAPATHY NAYAGAR : It is not a final decision.

SRI K. BALASUBRAMANYA AYYAR : Sir, the second amendment is a legal one. It has nothing to do with substance. Revisional power is provided to the High Court. The order of the Revenue Divisional Officer is final subject to revision by the High Court. Subject to the provision in clause 11, the order is final. This is merely a drafting mistake. Both clauses may be there.

* THE HON. SRI M. A. MANICKAVELU : Sir, in regard to the first amendment, namely, that the limitation period should be counted from the date of the communication of the order to the

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party concerned, I may say that the period given is sufficiently long—thirty days. We have got other Acts also where provision is made for limitation to start only from the date of the order. For instance, in the Tanjore Tenants and Pannaiyal Protection Act, there is this provision. Of course, in some other Acts we have provided that limitation should start from the date of the communication of the order

The other amendment relates to drafting. I can say only this much. If there is any difficulty about it, I think it could be clarified under the rule-making powers of the Government. I am not quite sure about it. But only that much can be said about it now.

The amendment of Sri P. S. Krishnaswamy Ayyangar was, by leave, withdrawn.

Clause 6 was put and carried.

Clause 7.

MR. CHAIRMAN : The motion is—

'That clause 7 do stand part of the Bill.'

SRI K. BALASUBRAMANYA AYYAR : Sir, I move the following amendment :—

'In sub-clause (*a*)—

(i) after the words "to be a cultivating tenant" and before the words "within the meaning of those Acts", *insert* the words "in respect of the excess over ten acres".

(ii) *add* the following proviso at the end :—

"Provided that no such application shall be maintainable as against the landowner unless on the date of the application the land in respect of which the re-engagement is asked for is grown with paddy".'

The amendment was duly seconded.

SRI K. BALASUBRAMANYA AYYAR : This is my point. A person who is a *mattuvaramdar* under a landowner having more than ten acres is deemed to be a cultivating tenant under the Cultivating Tenants Protection Act, 1955, and the Cultivating Tenants (Payment of Fair Rent) Act, 1956. The *mattuvaramdar* will become the cultivating tenant. If the landowner has got only ten acres, he will only be a *mattuvaramdar*. The *mattuvaramdar's* duties are the same, but if he is deemed to be a cultivating tenant, he gets a higher status and better remuneration. We are here giving trouble to the landowner. The *mattuvaramadar* gets a higher status if he becomes a cultivating tenant. He will be entitled to get all those things which he has been getting customarily all these years. He will also be entitled to the 60 per cent share. That is what it will come to. We must understand whether that is the

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intention. Whatever it is, I am not opposing it in all cases. I referred to this matter in the Select Committee also. But, it was not accepted. I would like to appeal to the Hon. the Revenue Minister that the cases of those having ten acres may be treated separately. Those working under landowners having ten acres and less may be treated as *mattuvaramadars* and they may be given the benefits which they have been usually getting. In the case of those working under owners owning more than ten acres, they may be treated as cultivating tenants and given the corresponding benefits. That is the only relief I want in respect of the small landholders. It is with that idea that I have moved my amendment. If the Government, however, want to reject it, they can very well do so with their majority votes. If exemption is not given in respect of the landholders owning ten acres and less, I am afraid, it will adversely affect them as the *mattuvaramdars* will become entitled to all the benefits under the Cultivating Tenants Protection Act, the Fair Rent Act, etc. Therefore it is I say that the limit may be placed at ten acres.

Now, I come to the other amendment, viz., the proviso. I want that a proviso should be added at the end of sub-clause (a) to the effect, 'Provided that no such application shall be maintainable as against the landowner unless on the date of the application the land in respect of which the re-engagement is asked for is grown with paddy'. It is well-known that this system obtains only in the case of paddy and no other crop. I want to make it clear that if the land is grown with other crops, the application for re-engagement will not be maintainable. Otherwise, there will be difficulty. The peculiar tenure of *mattuvaramdar* is prevalent only in the case of lands grown with paddy and not in the case of other crops. So, if at the time of application for re-engagement, the land is grown with some crop other than paddy, the person concerned will not be entitled to re-engagement. I want to press this matter as it is very important and the small landholder should be given some relief in this case.

Sir, I move the other amendment also which runs as follows :—

"In sub-clause (b), omit the words 'and the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955) shall, as far as may be, apply to him as if he were a cultivating tenant under that Act'."

Now, clause (b) states 'any *mattuvaramdar* under a landowner referred to in sub-section (2) of section 9 whose engagement has not been terminated under that sub-section shall be entitled to continue as a *mattuvaramdar* on the same terms as were applicable to him immediately before the commencement of this Act and the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), shall, as far as may be, apply to him as if he were a cultivating tenant under that Act.' So, he continues to be a *mattuvaramdar* in a case where the landowner owns not more than ten

acres and he is not assessed to income-tax or sales tax. In such cases, he continues to be a *mattuvaramdar* and this should be clearly understood. If we are to apply the Madras Cultivating Tenants Protection Act in respect of such persons, there will be difficulty. The provisions in that Act will have to be carefully looked into. Section 4 (2) of that Act says, ' Nothing in sub-section (1) shall be deemed to entitle any such cultivating tenant to restoration of possession—(i) if, on the day this Act comes into force, he is in possession, either as owner or as tenant or as both, of land exceeding the extent specified . . . or if he has been assessed to any sales tax, profession tax or income-tax . . .' Then, sub-section (2) (*a*) of section 3 states—' Subject to the next succeeding sub-section, sub-section (1) shall not apply to a cultivating tenant (a) who . . . does not pay such rent within six weeks after such commencement . . . does not pay such rent within a month . . . ' (aa) who, in the other areas of the State of Madras, if in arrear at the commencement of this Act, with respect to the rent payable . . . or who in respect of rent payable to the landlord after such commencement does not pay such rent within a month after such rent becomes due . . .' Then sub-clause (*b*) states, ' who has done any act or has been guilty of any negligence which is destructive of, or injurious to, the land or any crop thereon or has altogether ceased to cultivate the land '. Sub-clauses (c) and (d) state—' who has used the land for any purpose not being an agricultural or horticultural purpose or who has wilfully denied the title of the landlord to the land.' All these things will not apply to a *mattuvaramdar*. Because, he does not pay rent, he only shares the crop in a particular proportion. So, there is no question of arrears and failure to pay the rent and all those things. There is no question of his being in possession of the land for one year. There is also no question of his having done any act or his having been guilty of any negligence which was destructive of, or injurious to, the land or any crop thereon. So, none of these things will apply in his case. There is also no question of his denying the title of the landlord. There is no question of there being a title or document for him to question. He simply supplies the bulls and does nothing else. He does not continue to be in possession of the land for any length of time. Therefore, there is no point in applying the provisions of the Cultivating Tenants Protection Act. We must, therefore, be careful about it. If we leave the matter as it is, it will lead to complications and difficulties. The Revenue Divisional Officers or other

4-50 p.m. authorities will find it difficult to interpret the provisions. All these will create unnecessary difficulties and complications. This is not supplementary. It says that the ' *mattuvaramdar* ' shall continue in possession of the property. That is the difficulty. If you say that the provisions of the Cultivating Tenants Protection Act will apply, eviction and other difficulties would come in. What I am saying is more favourable to the *mattuvaramdar* than otherwise. In order to avoid trouble I say this. I am not here saying anything

against the '*mattuvaramdars*'. Some people may think that I am in favour of the small landowners. I am only for justice and fairness as between the parties who work for increasing production. But my point is some provisions of the Cultivating Tenants Protection Act won't apply in this case as it is only a question of 'varam'. No question of rent comes in here. That is why I think it is unnecessary to add all these here. It is a mere confusion.

DEPUTY CHAIRMAN: What about your amendment No. 18 (ii)?

SRI K. BALASUBRAMANYA AYYAR: That is the same thing that I mentioned about '*kaiaeruvaramdars*'. As the Hon. Minister has not accepted that, I am not moving this amendment.

SRI K. T. KOSALRAM: ஸார், இப்போது கனம் அங்கத்தினர் ஸ்ரீ பாலசுப்பிரமணிய அய்யர் அவர்கள் பல திருத்தங்களைக் கொண்டு வந்திருக்கிறார்கள். ஒவ்வொரு திருத்தத்தையும்பற்றிப் பேசும்போது, அதிலே ஒன்றிரண்டு விஷயங்கள் மாட்டுவாரந்தார்களுக்குப் பிரயோசனமாக இருக்கக்கூடும் என்று சொன்னார்கள். கனம் அங்கத்தினர் செலக்ட் கமிட்டியில் அங்கத்தினராக இருந்திருக்கிறார். செலக்ட் கமிட்டியில் அங்கத்தினர்களாக இருந்தவர்களுக்கு அரசாங்கத்தின் நோக்கம் குடியானவர்களுக்குப் பாதுகாப்பு அளிப்பதுதான் என்று நன்றாகத் தெரியும். அந்த விதத்திலே மாட்டுவாரந்தார்களுக்கும் கையேர் வாரந்தார்களுக்கும் பாதகமில்லாது இருக்கும்படி பாதுகாப்பு அளிக்க வேண்டுமென்பதுதான் நோக்கம். நிலச்சுவாந்தார்களுக்கும் சில பாதுகாப்புக்கள் அளிக்க வேண்டும் என்று விரும்புகிறவர்கள் இருக்கலாம். அவர்களுக்கும் பாதுகாப்பு அளிக்க வேண்டுமென்று அவருடைய கட்சி இருக்கலாம். அதைத் தன்னுடைய டிஸ்ஸெண்டிங் மினிட்டில் இந்த அறிக்கையில் போட்டிருந்தால், பார்த்துக்கொள்ள சௌகரியமாக இருக்கும். அதன்மீது அரசாங்கமும் யோசனை செய்து, அதை நன்றாகக் கொண்டுவர முடியும். செலக்ட் கமிட்டியில் இருந்தவர்கள் கூடியவரையில் திருத்தங்கள் கொடுக்காமல் இருப்பதுதான் நல்லது என்று ஒரு கன்வென்ஷன் வைத்திருக்கிறோம். தங்களுடைய "வியூ-பாயிண்ட்"-களையெல்லாம் டிஸ்ஸெண்டிங் மினிட்டில் கொடுத்திருந்தால், அவைகளை அரசாங்கம் ஆலோசித்துத் திருத்தங்களை அப்போதே கொண்டு வந்திருக்க முடியும். இப்போது இந்தத் திருத்தங்களைப் போட்டால், நாட்கள் இழுத்துக்கொண்டு போகும். ஏற்கெனவே குடியானவர்கள் கஷ்டப்பட்டுக்கொண்டிருக்கிறார்கள். ஒன்றிரண்டு திருத்தங்கள் மாட்டு வாரந்தார்களுக்கு நன்மை பயக்குவதாக இருந்தாலும், நாட்கள் இழுத்துக் கொண்டு போகும் என்ற காரணத்தினால் இதை வருத்தத்தோடு எதிர்க்கிறேன்.

SRI K. BALASUBRAMANYA AYYAR: On a point of personal explanation, Sir. There is no rule which prohibits a Member who was a Member of the Select Committee from sounding a note of warning and suggesting amendments during the discussion of the Bill. Unless he is a very great man, it is not always possible for a Member of the Select Committee to think about all matters even at the Select Committee stage. One or two matters might slip. Therefore, it is not right on the part of the hon. Member to say, 'You have ignored them during the Select Committee meeting and, therefore, I won't hear you now'.

SRI K. T. KOSALRAM : We are here to hear you. You could have put them in writing and given to us.

SRI K. BALASUBRAMANYA AYYAR : I am only explaining. I am not stating any absurd things here. I am only asking the hon. Members to consider certain difficulties that struck me. These difficulties might strike them even after the Bill is passed into law. Government may bring in an Amending Bill to get over those difficulties. There is nothing to prevent that. After all, we are here to do justice as between the parties affected by this legislation.

Another thing also I may state here, regarding the procedure adopted in the Select Committee, because the matter has been raised now. Otherwise, lawyers may find fault with us. Therefore, I want to explain the procedure adopted in the Select Committee. In the Select Committee what happens is this. Formerly they were allowing written amendments to be given notice of by various Members and they were discussed in the Committee. Now they do not do that. We go there and suggest amendments on the spot and discuss them. Finally, the Revenue Minister or the Law Minister says : ' Such and such a thing must be done and we accept this or that. The wording should be drafted by the Law Department '. I am not saying this as a criticism of the procedure adopted now. But that is exactly what happens. The Law Minister says that the Law Department would look into the amendment proposed and redraft the clause. After being redrafted, the Bill comes up here and if there is any difficulty about the redrafted clause, we have to say something here. I am not also blaming the Law Department. They want to do things quickly and these are difficult matters. These are our difficulties and disabilities in the Select Committee. The Committee now is more or less a family body, a compact body, discussing many things and the Bill takes many shapes in the Committee with the result that it is impossible for the Member to follow the Bill entirely. This ten-acre provision was put in as a surprise and the Law Department were asked to redraft the clause. The Hon. the Revenue Minister will bear me out when I say this. I am not criticising anybody. I am only saying that these are our difficulties, in reply to the criticism made by the hon. Member Sri Kosalram who has been in the Legislature for so many years and who must know things. I have also been here for many years and it is surprising that an hon. Member should suggest that amendments to the Bill should not be suggested by a Member who was already on the Select Committee.

* THE HON. SRI M. A. MANICKAVELU : Sir, the scheme of the Act is that a landowner who owns three acres and who has a ' mattuvaramdar ' can evict him. There is no difficulty about that. Then, there are the landowners who own up to ten acres. They can evict to the extent that they own three acres. The idea behind it is that the small pattadars should be protected against the working

of this Act. He can evict to the extent of three acres and it will be less if he is already cultivating one or two acres. Then, he can do it to the extent of 1 or 1½ acres only. Altogether he should have three acres for himself. That is the idea. There is a balance of seven acres and if there are *mattuvaramdars*, they should be protected. Clause 7 (b) says : ' any *mattuvaramdar* under a landowner . . . shall be entitled to continue as a *mattuvaramdar* on the same terms as were applicable to him immediately before the commencement of this Act . . . .' That is the position.

(Deputy Chairman in the Chair.)

With regard to the other points and the amendment of the hon. Member Sri Balasubramanya Ayyar to clause 7, viz., ' provided that no such application shall be maintainable as against the landowner unless on the date of the application the land in respect of which the re-engagement is asked for is grown with paddy ', there are difficulties which I expressed under clause 5. There, I have said, though there is force in that argument, there is difficulty as to how to provide for such a contingency. Under these circumstances, Sir, I am afraid I cannot accept the amendment, but I can make amends as far as possible while framing the rules. That much I concede 5 p.m.

SRI K. BALASUBRAMANYA AYYAR : Sir, in the Cultivating Tenants Protection Act there is provision and the same may be adopted here also. Even for landlords owning between three and seven acres, the Cultivating Tenants Protection Act gives the right of eviction. When the varamdar is continued, he shall be entitled to be continued as such on the same terms.

THE HON. SRI M. A. MANICKAVELU : The Cultivating Tenants Protection Act is based on the socialist ideology of providing fixity of tenure. It is based on that. A certain fixity of tenure is given.

SRI K. BALASUBRAMANYA AYYAR : What I am saying is that he shall be entitled to continue on the old terms. That gives him protection. It is favourable to the *kaiaeruvaramdar*. That is what I am saying. The Cultivating Tenants Protection Act makes provision for eviction. But the difficulty is that in that Act, the reasons given are arrears of rent. There is no question of rent here. That is the difficulty. The second portion is contrary to the first. That is what my hon. Friend Sri Patanjali Sastry also said.

DEPUTY CHAIRMAN : I think we had better follow the procedure. Mr. Balasubramanya Ayyar, are you pressing your amendments?

SRI K. BALASUBRAMANYA AYYAR : Yes, I am pressing them. I have taken time to think over them.

DEPUTY CHAIRMAN : The question is—

' In sub-clause (*a*)—

(i) after the words " to be a cultivating tenant " and before the words " within the meaning of those Acts ", insert the words " in respect of the excess over ten acres ".

(ii) add the following proviso at the end—

" Provided that no such application shall be maintainable as against the landowner unless on the date of the application the land in respect of which the re-engagement is asked for is grown with paddy".'

' In sub-clause (*b*)—

(i) omit the words " and the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955) shall, as far as may be, apply to him as if he were a cultivating tenant under that Act ".'

The amendments were put and lost.

Clause 7 was put and carried.

Clause 8.

DEPUTY CHAIRMAN : The motion is—

' That clause 8 do stand part of the Bill.'

* SRI P. S. KRISHNASWAMY AYYANGAR : I move the following amendment :—

" In sub-clause (2)—

(i) *omit* the first proviso;

(ii) in the second proviso for the words ' Provided further ', *substitute* the word ' Provided '."

Sir, clause 8 deals with restoration of closed proceedings and provides for re-engagement of the *mattuvaramdar* already dispensed with. It deals only with *mattuvaramdars* engaged by landowners owning more than ten acres of wet land. The proviso says that what applies to *mattuvaramdars* engaged under big landowners will not apply to those engaged under small landowners. This proviso is unnecessary. I will illustrate the absurdity of it.

DEPUTY CHAIRMAN : I think we can confine ourselves to the clause proper. We do not have time. Please finish as quickly as possible.

* SRI P. S. KRISHNASWAMY AYYANGAR : Supposing there is a rule that all pupils of elementary schools shall be supplied with midday meal, there need be no provision, ' it shall not be applicable to pupils of high schools '. Will that sit all right

there? The proviso is something like that. The clause deals with landowners owning more than ten acres and the *mattuvaramdars* engaged under them, but the proviso says that what has been stated there will not apply to *mattuvaramdars* engaged under small landowners. Is it necessary? It is not necessary. Therefore, I suggest that that proviso be omitted.

When the first proviso is omitted, the second proviso becomes the only proviso. Therefore, I suggest the omission of 'further' in the second proviso.

DEPUTY CHAIRMAN: Not seconded. The amendment falls through for want of a seconder.

Clause 8 was put and carried.

Clause 9.

DEPUTY CHAIRMAN: The motion is—

'That clause 9 do stand part of the Bill.'

* Sri P. S. KRISHNASWAMY AYYANGAR: Sir, I move the following amendments:—

"In sub-clauses (1) and (2), *delete* the words 'notwithstanding anything contained in sections 7 and 8'."

"In sub-clause (2), after the words 'a landowner who owns' and before the words 'not more than ten acres of wet land', *insert* the words 'more than three acres of wet land but',"

"In the first proviso to sub-clause (2), after the word '*mattuvaramdars*' and before the words 'shall not exceed', *insert* the words 'not guilty of misconduct or neglect of duty'."

"In the second proviso to sub-clause (2), *add* the words at the end 'or *mattuvaramdars* not guilty of misconduct or neglect of duty'."

"Renumber sub-clauses (3) and (4) as sub-clauses (4) and (5) and before sub-clause (4) so renumbered, *insert* the following as sub-clause (3):—

"(3) No landowner who owns not more than ten acres of wet land but who has been assessed to any sales tax, profession tax or income-tax under the respective law relating to the levy of such taxes during 1955–56 or 1956–57 shall terminate the engagement of a *mattuvaramdar* except for misconduct or neglect of duty." "

"In sub-clause (4) so renumbered, after the words 'or under sub-section (2)' and before the words 'shall apply', *insert* the words 'or under sub-section (3)'."

[Sri P. S. Krishnaswamy Ayyangar] [12th February 1959

Sir, clause 9 deals with small landowners. Landowners owning not more than three acres and owning not more than ten acres are there. The first clause deals with landowners owning not more than three acres and the second clause deals with landowners owning not more than ten acres. These are not exclusive of each other. The second does cover the first. The first deals with those owning not more than three acres while the second should say owning more than three acres, but not more than ten acres. But it does not say so. The second clause covers the first and, therefore, by my amendment, I want to add, after the words ' landowner who owns ' and before the words ' not more than ten acres of wet land ', the words ' more than three acres of wet land but '. Either remove the first clause or make the two clauses exclusive of each other.

Again, the sub-clause begins with the words ' Notwithstanding anything contained in sections 7 and 8 '. Now, sections 7 and 8 deal with big landowners and section 9 deals with small landowners. When certain provisions are made in respect of small landowners, it is not necessary to say " Notwithstanding anything contained in respect of provisions applicable to big landowners ". Clause 9 deals with one distinct class of landowners and clauses 7 and 8 deal with quite a different, separate set of landowners owning more than ten acres. In such a case, there is no necessity to say ' Notwithstanding provisions that are applicable to big landowners ', etc. Therefore, I want to delete that expression found in sub-clauses (1) and (2).

With regard to eviction of *mattuvaramdars* engaged under land-
5-10 p.m. owners owning not more than ten acres, some limit is fixed in respect of the extent of the land from which eviction can be made. Such a limit can be placed in respect of well-behaved mattuvaramdars. But what about mattuvaramdars guilty of misconduct? This is another case. Whatever may be the extent in their occupation, they will be liable to eviction from the entire extent. Therefore, I say that the restriction to three acres should be applicable only to a *mattuvaramdar* not guilty of misconduct or neglect of duty. The three-acre restriction should not be insisted on in the case of a *mattuvaramdar* guilty of misconduct or neglect of duty. In the second proviso, it is said simply " *mattuvaramdar* ". I say it should be made applicable only to a *mattuvaramdar* not guilty of misconduct or neglect of duty.

Here there are two kinds of small landholders dealt with. The first clause deals with landowners owning not more than three acres of land, who have not been assessed to income-tax, and then the second clause deals with landowners owning not more than ten acres who have not been assessed to income-tax. There is another set of landowners who own not more than ten acres, but who have been assessed to income-tax. They have been omitted altogether. There is one class of landowners, small landowners who have been assessed to these taxes. What about them? Will the Act not

apply to them at all? You are taking into consideration two classes of landowners—landowners owning not more than three acres and not assessed to income-tax, and landowners owning not more than ten acres and not assessed to income-tax. There is another class of small landowners who have been assessed to these taxes but who own not more than ten acres. What about them? They do not come within the purview of this clause at all. This is a serious lacuna that has got to be filled in. Therefore, to fill up that lacuna, I say that ' no landowner who owns not more than ten acres of land and who has been assessed to any tax, income-tax and other taxes, shall terminate the engagement of a *mattuvaramdar* except for misconduct or neglect of duty.' I want to add that sub-clause and I suggest consequential amendments to be made in respect of the numbers to be assigned to the succeeding clauses.

DEPUTY CHAIRMAN: Who is seconding the amendments? None?

The amendments fall through for want of a seconder.

Clause 9 was put and carried.

Clauses 10 and 11 were put and carried.

Clause 12.

DEPUTY CHAIRMAN: The motion is—

' That clause 12 do stand part of the Bill.'

SRI MOHAMED RAZA KHAN: Sir, may I make a submission? Instead of asking the hon. Member Sri P. S. Krishnaswamy Ayyangar to make his speech on his amendments and then allowing them to fall through for want of a seconder, would it not be better to ask even at the beginning whether there is a seconder? Some hon. Members may second his amendments and then he (Sri Krishnaswamy Ayyangar) may be asked to make his comments on his amendments. That would be better.

SRI P. S. KRISHNASWAMY AYYANGAR: Sir, I do not move the amendment which I have given notice of to this clause.

Clause 12 was put and carried.

Clause 13.

DEPUTY CHAIRMAN: The motion is—

' That clause 13 do stand part of the Bill.'

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, I move the following amendment:—

" In sub-clause (2) for the words ' as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session ', *substitute* the words ' as those Houses may make in the same session or in the next session '."

Sir, clause 13 (2) says that all rules made under this Act shall be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendments or repeal as the Legislative Assembly may make within fourteen days, etc. By my amendment, I want to have power given to this Council also to make amendments, etc. That power may be given to this Council also and it is to that effect that I have suggested my amendment. What I want to change is that in sub-clause (2) for the words 'Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session', the words as 'those Houses may make in the same session or in the next session' be substituted.

DEPUTY CHAIRMAN: Who is seconding it?

SRI K. BALASUBRAMANYA AYYAR: I am seconding it, Sir. In clause 14, they have accepted the principle that both the Houses may make amendments or repeal any rules framed. They have said, 'A copy of every order passed under this section shall be laid before each House of the Legislature as soon as possible after they are made and shall be subject to such modifications whether by way of repeal or amendment as the Legislature may make in the same session or in the next session'. But so far as clause 13 (2) is concerned, it is said that the Assembly alone has the power. I am afraid it is a slip and is not intentional. They should have said 'as the Legislature may make, etc.' That is more a drafting error.

* THE HON. SRI M. A. MANICKAVELU: Now as regards that point, Sir, the words 'Legislative Assembly' may be a mistake for 'Legislature'. But in the other clause, it is found all right. We are now in a bad predicament. For the sake of that one word, we will have to go back to the Assembly. Under those circumstances, I appeal to the hon. Member to withdraw his amendment.

The amendment was, by leave, withdrawn.

Clause 13 was put and carried.

(Mr. Chairman in the Chair.)

Clause 14.

MR. CHAIRMAN: The motion is—

'That clause 14 do stand part of the Bill.'

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, I have given notice of an amendment which runs as follows:—

"*Omit* clause 14."

Sir, power is conferred by clause 13 on the Government to frame rules to carry out the purposes of the Act and to remove any difficulties. In addition to that, power is taken in clause 14 to

pass orders to overcome any difficulties. It is redoubling the power given to Government under clause 13. It is unnecessary. Again, when these orders are passed, they need not be revised or modified by the Houses of Legislature. The clause, therefore, is unnecessary. In view of the fact that such powers have been conferred under clause 13, this additional grant of the same powers by clause 14 is quite unnecessary. Therefore, I suggest the omission of clause 14.

MR. CHAIRMAN : This amendment is negative in character and is not in order. I rule it out of order.

Clause 14 was put and carried.

The Schedule was put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI M. A. MANICKAVELU : Sir, I move— 5-20 p.m.

'That the Tiruchirappalli *Kaiaeruvaram* and *Mattuvaram* Bill, 1958 (L.A. Bill No. 25 of 1958), as passed by the Legislative Assembly, be passed.'

Sir, many difficulties were pointed out by the hon. Members as also some drafting mistakes. I am sorry at this stage I could not make amends immediately because if there is acceptance on any of the main principles, it is worth while taking the Bill back to the Assembly. But these are all smaller issues. At times, I thought why the amendments should not be accepted, but still the balance of good stood against acceptance. I thought it was better to pass it and whatever safeguards were necessary could be provided for by other means.

MR. CHAIRMAN : Motion moved—

'That the Tiruchirappalli *Kaiaeruvaram* and *Mattuvaram* Bill, 1958 (L.A. Bill No. 25 of 1958), as passed by the Legislative Assembly, be passed.'

SRI K. BALASUBRAMANYA AYYAR : Sir, I have a feeling that this Bill is ill-drafted. It has had a chequered history and the very principles of the Bill were changed from time to time. But there was this overall feeling that something ought to be done in a place where there had been some trouble and breach of peace. It is only for that purpose that this has been hastened. Otherwise, we, as a Legislature, will not be doing, I think, the right thing in passing this ill-drafted Bill. I appeal to the Revenue Minister to see to the proper working of this law. If the Revenue Divisional Officers or the Tahsildars find trouble, let the Government call for a report. Wherever there is any difficulty, let necessary changes in the law be made, whether in favour of the landowner or the mattuvaramdar. Let justice be done to the parties by giving a fair trial to the law. Another fresh series of amendments may be brought up and the Bill may be brought forward

in a year or two. That is the hope I have. Otherwise, it will be giving trouble to that area. It is a very valuable area. Especially the question of sugarcane cultivation has come up there not because of any party but because of the fact that sugarcane has to be produced. Licences were given by the Government of India who considered the whole matter. The ryots have been registered as cane growers. This principle has been accepted by the Government and they cultivate sugarcane. Even in fertile lands in South Arcot, Tanjore and other places where the land can be cultivated with sugarcane, they are cultivating it because sugarcane is a valuable crop. It yieds a lot. Every sugarcane stalk will give you a fair amount of money. A large expenditure also has to be incurred. I understand one thousand rupees per acre have to be spent for the purpose of cultivation for two or three years. So, factories are being established there and these are cane growers who supply sugarcane to the factories. They have been registered as cane growers. This question has, therefore, been fairly considered. I think memoranda have been given to the Revenue Minister and the Industries Minister by the sugarcane cultivators and also by the factories. Therefore, I submit that the Act should not create difficulties for them. Sugarcane cultivation is over a smaller area. We are not concerned with other areas. Therefore, I appeal to the Government to consider the whole question and watch the working of this law. If they feel any difficulty in its working, after some time it should be suitably amended. They need not have any hesitation in giving relief to the parties concerned.

SRI K. T. KOSALRAM : கனம் தலைவர் அவர்களே, இந்த மசோதாவை அரசாங்கம் கொண்டுவந்ததற்காக நான் அரசாங்கத்தைப் பாராட்டுகிறேன். பிரதம மந்திரி ஸ்ரீ ஜவஹர்லால் நேரு அவர்கள் சுட்டிக் காட்டியது மாதிரி, இந்தத் தேசத்தின் முற்போக்குக்கு அடிக்கடி கோர்ட்டுகளின் தலையீடு காரணமாக இருக்கின்றது என்பதை ஒரு முறை அல்ல, பல முறை சொல்லியிருக்கின்றார்கள். இந்தச் சட்டம் வெகு நாளைக்கு முன் வந்திருக்கவேண்டிய சட்டம். அங்கு விவசாயிகளுக்கு ஏற்பட்டிருக்கின்ற கஷ்டங்களைச் சீர்தூக்கிப் பார்த்து பொறுப்புள்ள ரெவின்யூ போர்டு அதிகாரிகளை அனுப்பி விசாரணை செய்து கொண்டுவரப்பட்ட சட்டம் இது. இது ஒரு முறை செல்லுபடியாகாது என்று கோர்ட்டில் தீர்ப்பு அளிக்கப்பட்டது. முதலில் பரிசீலிக்கப்பட்டபோது இருந்த விதிகளுக்கு நேர்விரோதமாகச் சில விதிகள் இப்போது இதில் இருக்கின்றன. இந்தச் சட்டம் கொண்டுவந்திருப்பது அங்கிருக்கின்ற மாட்டுவாரந்தார்களுக்கும் கையேர்வாரந்தார்களுக்கும் ஒரு அந்தஸ்துக் கொடுக்க வேண்டும் என்பதற்காகத்தான். அவர்களது வாழ்க்கைத்தரத்தை உயர்த்த வேண்டுமென்று கொண்டுவந்திருக்கிற இந்தச் சட்டத்திற்குப் புறம்பாகச் சில விதிகள் இங்கு சேர்க்கப்பட்டிருக்கின்றன. அதற்குத் தகுந்த முறையில் சட்டசபையில் கொண்டுவந்த பல திருத்தங்களை சர்க்கார் ஒப்புக்கொண்டிருக்கிறது. மேலும், அவர்களுக்கு ஏற்கெனவே, அதாவது இந்தச் சட்டத்தை அமல் நடத்துவதற்கு முன்னால், என்ன கொடுக்கப்பட்டு வந்ததோ அதைத் தான் கொடுக்கவேண்டும் என்று இந்தச் சட்டத்திலும் சொல்லப்பட்டிருக்கிறது. புதிதாக அவர்களுக்கு வாழ்க்கைத்தரம் ஒன்றும் இதனால் உயர்ந்து விடவில்லை. முன்பு கொடுத்துக்கொண்டிருந்ததை இப்போதும் கொடுக்க

12th February 1959] [Sri K. T. Kosalram]

வேண்டும் என்று சட்டபூர்வமாக உறுதியளிக்கப்பட்டிருக்கிறது என்றுதான் சொல்லலாம். அதல்லாமல் வேறு ஒன்றும் இந்தச் சட்டத்தினால் அவர்களுக்கு வசதி ஏற்படவில்லை. மூன்றாவது செக்ஷனில் "**as were applicable to him immediately before the commencement of this Act**" என்று இருக்கிறது. இதற்கு முன்னால் இருந்ததை இப்போதும் கொடுத்துக்கொண்டிருக்க வேண்டும் என்று சொன்னார்கள். பல வழக்கறிஞர்கள் வாதித்தார்கள். சட்ட மன்றத்தில் நன்றாகப் பேசினார்கள். ஆனால், இதன் மூலம் அவர்களுடைய வாழ்கைத்தரம் உயர்ந்திருக்கிறது என்று ஒருவராலும் சொல்ல முடியாது. இதைப்பற்றி யாரும் சொல்லவில்லை. ஆனால், நிலச்சுவாந்தார்களுக்கு வேண்டி எதையெல்லாமோ, அழகாக எடுத்துச் சொன்னார்கள். ஆகவே, அரசாங்கம் இதைப்பற்றி நன்றாகக் கவனித்து அவர்களுடைய வாழ்க்கைத்தரமும் இதனால் உயர்வதற்கு வேண்டிய வகையில் நடவடிக்கைகள் எடுக்க வேண்டும் என்று கேட்டுக்கொள்கிறேன்.

அடுத்தபடியாக, வேறு ஒரு விஷயத்தையும் நான் அரசாங்கத்தின் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். எப்போதுமே அரசாங்க அதிகாரிகள் ஏழைகளுக்கு விரோதமாகத்தான் காரியங்களைச் செய்து வருகிறார்கள். இதைப்பற்றி நமது அரசாங்கத்தின் முதலமைச்சர் அவர்களே பல கூட்டங்களில் சொல்லியிருக்கிறார்கள். பெரிய அதிகாரிகள் பணக்காரர்களிடத்தில் போகக் கூடாது. ஏழைகளுக்காகத்தான் அதிகாரிகள் எல்லாம் வேலை செய்ய வேண்டும் என்று சொல்லியிருக்கிறார்கள். சாதாரணமாக, ஒரு உத்தரவு இங்கிருந்து போக வேண்டுமானால், அதிகமாகக் காலதாமதமாகிறது. ஏதாவது அவர்களுக்குச் சாதகமாக இருக்கக்கூடிய ஆர்டர் அவர்களுக்கு காலா காலத்தில் போய்ச் சேருவது கிடையாது. இங்கு இருக்கின்ற ஒரு லோயர் டிவிஷன் க்ளார்க் "**That order has been communicated**" என்று எழுதி வைத்திருப்பார். இதிலிருந்து ஆர்டர் போய்விட்டது என்று கருதிக்கொண்டிருப்பார்கள். ஆனால், அங்கிருக்கின்ற விவசாயிகளுக்கு இந்த உத்தரவு சரியான சமயத்தில் போய்ச் சேருவதில்லை. இதனால் அவர்களுக்கு ஏதாவது அப்பீல் போட வேண்டுமானால், அதற்கு முடியாமல் போய்விடுகிறது. ஆகவே, இதில் அதிகாரிகள் கவனமாக நடந்துகொள்ள வேண்டியிருக்கிறது. மேலும், இந்தச் சட்டத்தை நான் தீவிரமாக எதிர்க்க வேண்டும் என்றுதான் நினைத்தேன். ஆனால், அதனால் இது நிறைவேறுவதற்கும், இனிமேல் இன்னொரு சபைக்குப் போவதற்கும் நாட்கள் கழிந்து தாமதமாகிவிடும் என்று நினைத்துத்தான் நான் சும்மா இருந்தேன். ஆனால் "ரூல் மேக்கிங் பவர்" அரசாங்கத்திற்கு இருக்கிறது. இதிலும் அதிகாரிகளுக்கு அதிகமான அதிகாரத்தைக் கொடுக்கிறீர்கள் ; சந்தோஷப்படுகிறேன் ; குறை சொல்லவில்லை. கோர்ட்டுக்கு அதிகாரம் கொடுத்து, தட்டிக் கேட்பதற்கு ஆளில்லாமல் கான்ஸ்டிட்யூஷனிலே ப்ரொடெக்ஷன் கொடுத்திருக்கிறதே ; அப்படியில்லாமல், அதிகாரிகளோ, மந்திரிகளோ தவறு செய்தால், உடனடியாக, நேருக்கு நேர் இந்தச் சபையிலோ பொதுக் கூட்டத்திலோ கண்டிக்க முடியும். ஆகவே, அதிகாரிகளுக்கு அதிகாரம் கொடுப்பதால் பயப்படமாட்டேன். கொடுத்த அதிகாரத்தை எப்பொழுது வேண்டுமானாலும் எடுத்துவிடுவதற்கு சபைக்கு அதிகாரம் இருக்கிறது. கோர்ட்டுக்கு அதிகாரம் கொடுப்பதைவிட அதிகாரிகளுக்கு அதிகாரம் கொடுப்பதை நான் வரவேற்கிறேன். ஆனால், அந்த அதிகாரம் ஏழைகளுக்குச் சாதகமாகப் பிரயோகிக்கப்பட வேண்டும் என்பதை அமைச்சர் அவர்களுடைய கவனத்திற்குக் கொண்டுவந்து நான் அவரைப் பாராட்டி என்னுடைய உரையை முடித்துக்கொள்ளுகின்றேன். 5-30 p.m.

SRI MOHAMED RAZA KHAN : Sir, I do not want to take much of the time of the House. The Hon. Minister has admitted that certain defects have crept in, because of certain factors, which I do appreciate. But he made a promise that at a suitable time

amendments would be made. But the purpose of my speaking for a few seconds now is this. The hon. Member Sri Kosalram waxed eloquently (if I can use this expression) on this point, namely, whether Members having served on the Select Committee were right to discuss the same subject here. If really, Sir, things could be decided at the stage of the Select Committee (I am sure Sri Kosalram is quite conversant with parliamentary practice), the Bill need not come here again or go to the Legislative Assembly. Certain ideas which did not occur at the Select Committee stage could be given expression to in both the Houses of Legislature. It is possible for a Member, in spite of his having been a Member of the Select Committee, to bring in amendments in the House. Nothing prevents him from coming here and giving expression to his views. If I can stretch his argument further, Sri Kosalram's very valuable suggestions made now and also his speech on the Governor's Address the other day, could be made to the Party. Being a member of the Party in power, he could have addressed his remarks to the Party. Why should he waste his energy here? He could rather talk to the Ministers himself. He is, after all, in the Party. Why should he take so much time of the House to give expression to his views here? So, we have to say what we feel irrespective of the result. That is where parliamentary democracy comes in in spite of Sri Kosalram or myself.

* THE HON. SRI M. A. MANICKAVELU : Sir, whatever is possible in a democratic set-up to do justice to the different sections of the people is being done. But if some hon. Members or some people outside want certain things to be done not in the way in which it is being done in a democratic set-up, that is not possible, and I cannot do it. The very idea of the land reform is to give first fixity of tenure and next to give fair rent to the actual cultivators. The third piece of reform is with reference to the fixation of ceiling on holding. We have passed legislation in respect of the first two items. It was the intention of the Government to see that people working on land were not unnecessarily and unlawfully evicted from their spheres of work. With that view, we gave fixity of tenure. In the matter of rent, we can give fair rent as per the Act that was passed only to those tenants who are having all the requisites of a tenant. In the case of the *kaiaeruvaramdar*, we can give him only such remuneration as he is entitled to. Originally we fixed a schedule, and we wanted to give effect according to the schedule. But we came across the fact that the thing was not uniform. It was differing from place to place. Therefore, that uniform schedule could not be applied. After consulting the local people, we have said, " Well, let them be paid according to the prevailing custom there ". The *mattuvaramdar* is given the benefit of the other two Acts. This is all that could be done. As I said, under the present set-up, we can do only this much.

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MR. CHAIRMAN : The question is—

'That the Tiruchirappalli *Kaiaeruvaram* and *Mattuvaram* Bill, 1958 (L.A. Bill No. 25 of 1958), as passed by the Legislative Assembly, be passed.'

The motion was put and carried and the Bill was passed.

MR. CHAIRMAN : The House will now adjourn and meet again at 10-30 a.m. to-morrow.

The House then adjourned.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

104. *Short review of the activities of the Agricultural Department for the first half-year* 1957 (*July to December* 1957).

105. *Notification issued with G.O. Ms. No.* 3568, *Home, dated* 19*th December* 1958, *regarding amendment to rule* 215 *of the Madras Motor Vehicles Rules*, 1940.

APPENDIX.

[Vide answer to starred question No. 26 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 12th February 1959, page 259 supra.]

Clause (a) of the question: Number of superannuated Government officials reappointed in each department during 1957-58 :—

Serial number and department.	Number of officials appointed.
(1)	(2)
1 Legislature (Secretariat)	1
2 Law (Secretariat)	1
3 Finance (Secretariat)	3
4 Local Fund Audit	7
5 Animal Husbandry	10
6 Fisheries	1
7 Food and Agriculture (Secretariat) ..	1
8 Industries, Labour and Co-operation (Secretariat)	1
9 Labour	1
10 Industries	43
11 Statistics	1
12 Civil Supplies	1
13 Civil Supplies (Food Production)	1
14 Agriculture	8
15 Chief Inspector of Certified Schools and Vigilance Service	2
16 Police	1
17 Judicial	6
18 Education	17
19 Technical Education	5
20 State Transport	16
21 Public Works (Secretariat)	1
22 Stationery and Printing	1
23 Highways	3
24 Public Works	10
25 Revenue	13
26 Registration	1
27 Chief Secretariat	3
28 Legal Studies	2
29 Medical	17
30 Public Health	29

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Serial number and department.	Number of officials appointed.
(1)	(2)
31 Public Works (Sanitary Engineering Branch)	1
32 Town-Planning	1
33 State Guest House (Retired Superintendent of Police)	1
34 Secretary to the Official Language Act Implementation Committee (Retired Collector)	1

Clause (b) of the question : Principles governing re-appointment of superannuated Government officials :—

(1) Whether there is dearth of qualified and suitable hands in the department for appointment to the post;

(2) Whether the retiring officer's work and conduct have been satisfactory enough to deserve re-employment;

(3) Whether he is physically and mentally fit for carrying on his duties efficiently during the period of his re-employment; and

(4) Whether he has any special qualifications, training or experience which can be of particular use to the department.


TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS